

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>****I. EXECUTIVE SUMMARY**

Date of Incident:	November 5, 2016
Time of Incident:	Approximately 3:00 p.m.
Location of Incident:	3124 W. 111 <sup>th</sup> Street
Date of IPRA Notification:	November 5, 2016
Time of IPRA Notification:	3:54 p.m.

On November 5, 2016, at approximately 3:00 p.m., [REDACTED] and several members of his family attended a burial. [REDACTED] siblings, [REDACTED] and [REDACTED] left Mount Hope Cemetery at 11500 S. Fairfield Avenue. The siblings rode in separate vehicles and shortly after leaving the cemetery were traveling westbound on 111<sup>th</sup> Street to return to the funeral home. [REDACTED] left the cemetery with his fiancée, [REDACTED] in a 2013 grey Dodge Charger and although intending to visit his uncle at the University of Chicago Hospital, he also drove westbound on 111<sup>th</sup> Street.<sup>2</sup> At approximately the same time, off-duty Chicago Police Department (CPD) officer, [REDACTED] was returning home from work, also travelling westbound on 111<sup>th</sup> Street.

A traffic-related altercation on the 3100 block of West 111<sup>th</sup> Street led to Officer [REDACTED] becoming involved in an argument with several people leaving the memorial service, including [REDACTED] [REDACTED] siblings, [REDACTED] and [REDACTED]. Officer [REDACTED] claimed that during this argument, which took place at approximately 3112 W. 111<sup>th</sup> Street, a group of African American males and females surrounded his vehicle and struck him in the head while he remained in the vehicle. Officer [REDACTED] drove west on 111<sup>th</sup> Street and parked his car just west of Troy Street. The altercation continued to escalate, culminating in multiple incidents on 111<sup>th</sup> Street between Albany and Troy Streets. Several witnesses described the conflict as being divided along racial lines. A woman, now known as [REDACTED] who was leaving a nearby True Value Hardware Store located at 3111 W. 111<sup>th</sup> Street, attempted to call 911 to report the disturbance and was struck in the head by a member of the [REDACTED] party, which had left their vehicles parked on 111<sup>th</sup> Street to argue with Officer [REDACTED].<sup>3</sup> An off-duty Chicago Fire Department (CFD) candidate, now known to be [REDACTED] was also beaten by several members of the same group when he stopped and left his vehicle near the intersection of 111<sup>th</sup> and Troy Streets.

After parking his vehicle west of Troy Street on 111<sup>th</sup> Street, Officer [REDACTED] called 911. While calling 911, he saw the crowd beating Mr. [REDACTED]. Officer [REDACTED] then dropped the phone and exited

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>2</sup> [REDACTED] and Ms. [REDACTED] followed faulty instructions from their GPS and ended up in the same area as his siblings, though they did not travel there together.

<sup>3</sup> [REDACTED]

his vehicle with his weapon drawn. An off-duty sergeant on his way to work, now identified as [REDACTED] [REDACTED] also saw Mr. [REDACTED] being beaten as Sergeant [REDACTED] drove east on 111<sup>th</sup> Street near Troy. Sergeant [REDACTED] stopped, exited his vehicle, and attempted to call the [REDACTED] District. Once outside his vehicle, Sergeant [REDACTED] recognized Officer [REDACTED] as a police officer. By this point, several members of the [REDACTED] party had gathered at the intersection of 111<sup>th</sup> and Troy Streets, and many people were yelling and cursing. An independent witness recorded some of the incident on a cell phone. Two members of the [REDACTED] party, [REDACTED] and [REDACTED] saw their family members' altercation with Officer [REDACTED] at 111<sup>th</sup> and Troy Street as they approached from the east. During the group's altercation with Officer [REDACTED] exited the Dodge Charger, raised a handgun over the roof of the vehicle, and pointed it at the crowd.

As Officer [REDACTED] moved towards the front of the Charger, he saw [REDACTED] near the back of the vehicle pointing his firearm at Sergeant [REDACTED]. Officer [REDACTED] alerted Sergeant [REDACTED] that a gun had been drawn. In response, Sergeant [REDACTED] took cover behind a building located on the northeast corner of 111<sup>th</sup> and Troy Streets and fired three to four shots. Officer [REDACTED] who was standing near the intersection of 111<sup>th</sup> and Troy Streets, fired three to five rounds. Both Officer [REDACTED] and Sergeant [REDACTED] observed [REDACTED] fall against the Charger with the handgun, still in his right hand, pointed at Sergeant [REDACTED]. Both officers then fired additional shots. Officer [REDACTED] fired another four to six rounds for a total of 11 and Sergeant [REDACTED] fired another three to four shots for a total of seven. Several of their shots hit [REDACTED] who then fell to the ground and dropped the gun. Having sustained multiple gunshots, [REDACTED] was fatally wounded.

As Officer [REDACTED] attempted to secure [REDACTED] firearm, [REDACTED] brother [REDACTED] attempted to grab the weapon, resulting in a physical altercation between [REDACTED] and Officer [REDACTED]. Officer [REDACTED] ultimately gained control of [REDACTED] weapon.<sup>4</sup>

Below is an aerial view of each altercation (Points 1 through 3) and the approximate positioning of [REDACTED] vehicle, which is where he was positioned at the time of the shooting (Point 4).

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<sup>4</sup> [REDACTED] was charged with aggravated battery of a peace officer and attempting to disarm a peace officer (Att. 9). The charges were later dismissed.



Figure 1: Google maps aerial view of 111<sup>th</sup> Street between Troy Street (to the west) and Albany Avenue (to the east) with relevant points labeled 1 through 4. Point 1 notes the initial traffic altercation between Officer [REDACTED] and the [REDACTED] party. Point 2 reflects the site of the altercation with civilian [REDACTED]. Point 3 is the site where Mr. [REDACTED] was assaulted. Point 4 is where [REDACTED] vehicle was parked and his location when the shooting occurred.

During this investigation, IPRA and COPA interviewed 17 civilians (including five members of the [REDACTED] family), four Chicago Fire Department employees, and five Chicago Police Department members (including the involved members).<sup>5</sup> IPRA/COPA obtained Electronically-Recorded Interviews (ERIs) of the statements that two civilians made to CPD detectives. Those individuals did not provide independent accounts to IPRA/COPA, but summaries of their statements to CPD are included in this Report. IPRA/COPA also collected third party video recordings from two sources, the recordings of 42 calls to 911, and an Illinois State Police trajectory analysis was conducted.

COPA acknowledges that this incident emanates from a racially-tinged confrontation between people who live in the neighborhood where it occurred and people who were merely driving through it. COPA's analysis is limited to the lawfulness of the involved officers' actions.

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<sup>5</sup> Additionally, IPRA/COPA interviewed one civilian ([REDACTED] mother) and one CPD member (Officer [REDACTED] who were not witnesses to the shooting incident. Summaries of their statements can be found in the Summary Report of Investigation for Log #1088416. IPRA/COPA interviewed an additional CPD member (Officer [REDACTED] and three additional CFD employees (Lieutenant [REDACTED] and Paramedics [REDACTED] and [REDACTED] none of whom were eyewitnesses to the shooting nor did they provide any information about the allegations addressed under Log #1088416.

**II. INVOLVED PARTIES**

Involved Officer #1:

[REDACTED] employee ID # [REDACTED] Date of Appointment: [REDACTED] 2006, Officer, Unit of Assignment: [REDACTED]  
[REDACTED] Date of Birth: [REDACTED] 1983, male, white

Involved Officer #2:

[REDACTED] employee ID # [REDACTED] Date of Appointment: [REDACTED] 2002, Sergeant, Unit of Assignment: [REDACTED]  
[REDACTED] Date of Birth: [REDACTED] 1979, male, white

Subject #1:

[REDACTED] Date of Birth: [REDACTED] 1990, male, black

**III. ALLEGATIONS**

Any discharge of an officer's firearm results in a mandatory notification to COPA. This investigation was initiated pursuant to such notification. During the course of this full and comprehensive investigation, COPA did not uncover evidence that would require the proffer of allegations of excessive force.

**IV. APPLICABLE RULES AND LAWS**

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General Orders

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1. General Order 03-02-03, Section II, A (Effective February 10, 2015-October 15, 2017)

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Federal Laws

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1. The Fourth Amendment to the United States Constitution

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State Laws

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1. 720 ILCS 5/7-5 (1986)

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## V. INVESTIGATION<sup>6</sup>

### A. Interviews<sup>7</sup>

#### 1. CHICAGO FIRE DEPARTMENT PERSONNEL INTERVIEWS

IPRA interviewed witness Chicago Fire Department (CFD) Lieutenant [REDACTED] on November 5, 2016.<sup>8</sup> On the date of the shooting, Lieutenant [REDACTED] was assigned to Engine [REDACTED] at 3112 W. 111<sup>th</sup> Street.

Lieutenant [REDACTED] stated he was in an office on the second floor of the firehouse when he heard screaming. Lieutenant [REDACTED] looked out of an open window overlooking 111<sup>th</sup> Street. He saw a Caucasian woman, now known to be [REDACTED] standing outside the True Value Hardware Store directly across 111<sup>th</sup> Street from the firehouse holding a cell phone and items he assumed she purchased.<sup>9</sup> Lieutenant [REDACTED] observed a group of six African Americans approaching Ms. [REDACTED]. Lieutenant [REDACTED] said that members of the group yelled and cursed at Ms. [REDACTED] but he was unable to decipher anything specific that was said. Lieutenant [REDACTED] did not hear Ms. [REDACTED] say anything in response.

Lieutenant [REDACTED] proceeded downstairs and outside. He said at that point the group turned their attention from Ms. [REDACTED] moving to the west of the firehouse. Lieutenant [REDACTED] saw a person on the ground “getting stomped”<sup>10</sup> by several people. As he got closer, he saw the male, now known as off-duty CFD trainee Mr. [REDACTED] was wearing a dark shirt. Lieutenant [REDACTED] stated that by then a crowd of approximately thirty people had gathered, some of whom were trying to pull the group off of Mr. [REDACTED]. This resulted in additional fighting. Lieutenant [REDACTED] told other CFD employees who were gathered around the firehouse to get the ambulance to assist Mr. [REDACTED]. At that point, Lieutenant [REDACTED] was in the street just west of the firehouse, near Cutrone Barber Shop (located at 3118 W 111th St). He described the situation at that time as an “all-out melee.”<sup>11</sup>

Lieutenant [REDACTED] stated that after he requested the ambulance, he saw a Caucasian male, now known to be Officer [REDACTED] in the middle of the intersection of 111<sup>th</sup> Street and Troy Street yelling,

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<sup>6</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis of the shooting incident. Any allegations raised that are unassociated with the shooting itself are addressed in Log #1088416.

<sup>7</sup> On January 10, 2017 IPRA interviewed [REDACTED] mother, [REDACTED] (Att. 232). She was not present during the shooting or its immediate aftermath. As noted above, her statement is included in the Summary Report of Investigation for Log #1088416, which addresses the allegations she made. In addition, multiple attempts were made to interview other members of the [REDACTED] party, including [REDACTED] [REDACTED]. As of the date of this report, despite multiple requests, the above members of the [REDACTED] party have not made themselves available for an interview.

<sup>8</sup> Att. 118, 120.

<sup>9</sup> A summary of [REDACTED] statement is set forth in the “Civilian Interviews” section below.

<sup>10</sup> Att. 120, page 8, line 24.

<sup>11</sup> *Id.*, page 8, line 20.

"Police, police, police; get down on the ground. Get down on the ground."<sup>12</sup> He observed Officer [REDACTED] holding a badge in his left hand and a semi-automatic handgun in his right hand. Lieutenant [REDACTED] said no one complied with Officer [REDACTED] commands, but some of the people nearby moved away from Officer [REDACTED].

Lieutenant [REDACTED] observed a grey Dodge Charger facing west on 111<sup>th</sup> Street. He was not certain when the Charger arrived or where it came from, but he noticed the vehicle in front of the Mt. Greenwood Hardware store at the northeast corner of 111<sup>th</sup> and Troy Streets,<sup>13</sup> parked illegally, approximately two and a half feet off the curb line. Lieutenant [REDACTED] stated that he then saw an African American male with braids, now known to be [REDACTED] get out of the rear passenger side of the Charger. Lieutenant [REDACTED] explained that [REDACTED] was holding a black pistol in his right hand, pointing it over the roof of the Charger at Officer [REDACTED]. Lieutenant [REDACTED] heard someone yell, "Gun, gun, gun."<sup>14</sup> He then observed Officer [REDACTED] run toward [REDACTED] yelling "Drop the gun, drop the gun, drop the gun, police, police."<sup>15</sup>

Lieutenant [REDACTED] saw [REDACTED] pull the trigger of his pistol. Lieutenant [REDACTED] stated, "[I]t all happened so quick and the gun stove piped. The bullet came straight up."<sup>16</sup> He believed that [REDACTED] weapon jammed, and that [REDACTED] attempted to fire but was unable to do so. Lieutenant [REDACTED] saw Officer [REDACTED] move towards the Charger. He stated that [REDACTED] went back to the Charger and was on his knees by the rear door trying to clear the gun. Lieutenant [REDACTED] said that is when Officer [REDACTED] discharged his weapon into the vehicle. He was not certain how many shots he heard but believed he heard four shots, all in rapid succession. Lieutenant [REDACTED] believed he was approximately twenty feet away from [REDACTED] closer to [REDACTED] than Officer [REDACTED] when Officer [REDACTED] began to fire.

Lieutenant [REDACTED] saw that as Officer [REDACTED] moved closer to [REDACTED] towards the front of the Charger, "[REDACTED] was kind of on his side pointing the gun again and that's when [Officer [REDACTED]] shot him twice. I heard, that I know, it was two [shots]."<sup>17</sup> Lieutenant [REDACTED] explained that [REDACTED] was lying on his left side, pointing his gun at Officer [REDACTED] with his right hand and that the passenger side door remained open. He explained that prior to Officer [REDACTED] firing the last two shots, he did not have any reason to believe [REDACTED] was wounded. Lieutenant [REDACTED] said that after Officer [REDACTED] fired the last two shots, he observed [REDACTED] bleeding through his shirt.

Lieutenant [REDACTED] said that he observed from his peripheral vision another person he believed to be a police officer standing in the street or on the sidewalk. He explained that he believed this person, now known to be Sergeant [REDACTED] was a police officer because he wore a white shirt, like a sergeant's shirt with a flannel over it. Lieutenant [REDACTED] said that immediately after the shooting the scene was chaotic, but that he could hear Sergeant [REDACTED] announce his office, confirming his understanding that Sergeant [REDACTED] was a member of the CPD. Lieutenant [REDACTED] did not pay attention to Sergeant [REDACTED].

<sup>12</sup> *Id.*, page 12, lines 22-24.

<sup>13</sup> The True Value Hardware Store that Lieutenant [REDACTED] previously referred to by name is located on the south side of 111<sup>th</sup> Street.

<sup>14</sup> Att. 120, page 16, line 8.

<sup>15</sup> *Id.*, page 19, lines 19-20.

<sup>16</sup> *Id.*, page 16, lines 22-23.

<sup>17</sup> *Id.*, page 24, lines 9-11.

[REDACTED] during the shooting because he was “more focused on the people with the weapons.”<sup>18</sup> He did not see Sergeant [REDACTED] with a gun.

Lieutenant [REDACTED] then directed his attention to making sure the CFD was sending an ambulance. Prior to the ambulance arriving, he observed Mr. [REDACTED] administer CPR to [REDACTED]. Lieutenant [REDACTED] estimated that the ambulance arrived within thirty seconds and the paramedics immediately started providing [REDACTED] medical care. Lieutenant [REDACTED] noticed several unfired bullets on the ground near [REDACTED]. He also said that members of the crowd were “jumping on”<sup>19</sup> Officer [REDACTED]

**IPRA interviewed witness CFD Firefighter [REDACTED] on December 1, 2016.**<sup>20</sup> November 5, 2016 he was assigned to Truck 45, located at 3112 W. 111<sup>th</sup> Street. Firefighter [REDACTED] stated that he was in the office at the firehouse when he heard what sounded like “a very loud ghetto fight.”<sup>21</sup> He then went outside and observed two groups of people: one group of four or five African Americans located near the True Value Hardware Store across 111<sup>th</sup> Street surrounding a Caucasian woman, now known to be Ms. [REDACTED] and another group of approximately fifteen to twenty African Americans near the Mount [REDACTED] Hardware Store further west at the northeast corner of 111<sup>th</sup> and Troy Streets. In response, Firefighter [REDACTED] called 911.<sup>22</sup> He said that the group surrounding Ms. [REDACTED] moved west towards the second group and the crowd grew larger as people came out of nearby businesses. Firefighter [REDACTED] was standing outside the firehouse when he noticed a male wearing a red t-shirt, now known to be Officer [REDACTED] with a gun. Firefighter [REDACTED] believed Officer [REDACTED] was a police officer at the time because he was holding something in his left hand that looked like a badge and told people “Get back,” and “Get down.”<sup>23</sup>

Firefighter [REDACTED] stated that during the [REDACTED] party’s altercation with Officer [REDACTED] he saw the decedent, now known to be [REDACTED] go into his car and get a pistol. Firefighter [REDACTED] tried to retreat and move to the sidewalk, where he estimated he was approximately ten feet away from [REDACTED] vehicle and backing away in a northeast direction toward the fire station. Firefighter [REDACTED] explained that both the front driver’s side door and front passenger side door were open, and [REDACTED] was down on one knee on the passenger side of the vehicle with a pistol in his hand. Firefighter [REDACTED] stated that [REDACTED] was holding the gun in a ready to fire position but not pointed at anyone. Firefighter [REDACTED] said that within seconds, “they shot ‘em,”<sup>24</sup> but explained that he did not actually see the shooting. Firefighter [REDACTED] estimated that he heard eight to ten gunshots in quick succession but could not tell who was shooting. He believed that the shots sounded as if they were coming from more than one gun.

<sup>18</sup> *Id.*, Page 27, lines 5-6.

<sup>19</sup> *Id.*, page 30, line 10.

<sup>20</sup> Att. 189, 191.

<sup>21</sup> Att. 191, page 7, line 13.

<sup>22</sup> This call is documented as Event 09302 (Att. 53). During the call Firefighter [REDACTED] reports a “gang fight.” The operator asked if he sees any weapons and he reported people swinging bats and clubs and described the individuals involved as twenty black males. No other evidence corroborates Firefighter [REDACTED] statement that anyone had a bat or a club.

<sup>23</sup> Att. 191, page 16, lines 21-25.

<sup>24</sup> *Id.*, page 18, lines 1- 3.

Firefighter [REDACTED] stated that he took cover behind the brick wall of the firehouse. When the gunfire stopped, he went back inside the firehouse, retrieved a medical bag and went outside to render aid. He explained that the mood of the crowd changed from people “eggin’ ‘em on”<sup>25</sup> to people crying and upset. Firefighter [REDACTED] stated that he did not observe anyone in CPD attire until he rendered care to [REDACTED]. Firefighter [REDACTED] said that when he initiated medical care, there was a white male with a bloody face, now known to be Mr. [REDACTED] applying chest compressions on [REDACTED]. Firefighter [REDACTED] stated that they placed [REDACTED] in the ambulance, treated his wounds, and hooked him up to an IV. Firefighter [REDACTED] initially observed that [REDACTED] sustained a gunshot wound to the shoulder, but when they cut off his clothing, Firefighter [REDACTED] observed additional gunshot wounds to [REDACTED] chest.

**COPA interviewed witness CFD Lieutenant [REDACTED] on December 14, 2017.<sup>26</sup>**

He stated that on November 5, 2016, he was assigned to Engine [REDACTED] at the firehouse on 111<sup>th</sup> Street. Lieutenant [REDACTED] was at work that day inside the firehouse with the doors closed, talking to his friend [REDACTED] when he heard screaming and yelling outside. Lieutenant [REDACTED] stated that he looked out the firehouse windows and saw a black sedan with a single occupant stopped in traffic just west of the firehouse. Two cars then pulled up behind the black sedan. Lieutenant [REDACTED] said that several African American males and females, including a male wearing army fatigues, exited the vehicles, screaming, and “beating”<sup>27</sup> on the side windows of the sedan. Lieutenant [REDACTED] could not hear what individual people yelled, but “[i]t looked like a traffic altercation.”<sup>28</sup>

Lieutenant [REDACTED] said that he went outside and people continued to scream and hit the sedan. The sedan then travelled approximately half a block west before it stopped due to traffic. Lieutenant [REDACTED] stated that a middle-aged Caucasian female, now known to be Ms. [REDACTED] came out of the hardware store and yelled at the group of African Americans. He observed an African American female move towards Ms. [REDACTED] and punch her in the face. Lieutenant [REDACTED] said the group of African Americans then ran west down 111<sup>th</sup> Street after the black sedan and hit the windows of the car again. Lieutenant [REDACTED] explained that he then noticed a skinny male, now known to be Mr. [REDACTED] exit a Dodge Durango, trying to intervene and a physical altercation ensued.

Lieutenant [REDACTED] saw a Caucasian male in a red t-shirt, now known to be Officer [REDACTED] with a gun. Lieutenant [REDACTED] said he was not sure where Officer [REDACTED] came from. He explained that he knew Officer [REDACTED] was a police officer because he yelled, “Police,”<sup>29</sup> and had his gun out, but pointed it toward the ground and tried to stop the group that beat on the black sedan.

Lieutenant [REDACTED] said that once he saw Officer [REDACTED] with a gun, he went back around the corner of the firehouse. Once he made it around the corner behind the firehouse, he heard “a lot”<sup>30</sup> of gunshots. Lieutenant [REDACTED] stated that once the shooting ended, he heard Lieutenant [REDACTED] give

<sup>25</sup> *Id.*, page 25 line 26, referring to Officer [REDACTED]

<sup>26</sup> Att. 305, 317.

<sup>27</sup> Att. 317, page 5, line 18.

<sup>28</sup> *Id.*, page 6, line 13.

<sup>29</sup> *Id.*, page 10, line 13. At multiple points throughout the statement Lieutenant [REDACTED] said he heard Officer [REDACTED] say “Police.”

<sup>30</sup> *Id.*, page 13 line 15.

directions to provide aid to the victim, now known to be [REDACTED]<sup>31</sup> Lieutenant [REDACTED] said that he went out into the street to provide care, but his only involvement was to help lift [REDACTED] into the ambulance.

**IPRA interviewed witness [REDACTED] on November 5, 2016.**<sup>32</sup> Mr. [REDACTED] stated that he was employed as a fire candidate with the CFD at the time of the incident. He said that he was driving eastbound on 111<sup>th</sup> Street in a 2015 black Dodge Durango with his friend [REDACTED] as a passenger. Mr. [REDACTED] explained that he was stopped in traffic when he saw a red Hyundai<sup>33</sup> stopped in the fire lane in front of the firehouse.

Mr. [REDACTED] said that he exited the vehicle and told the occupants of the Hyundai, "Hey, you need to move your vehicle, you cannot be parked over there."<sup>34</sup> Mr. [REDACTED] stated that the Hyundai "sped"<sup>35</sup> towards him and attempted to hit him. According to Mr. [REDACTED] five people, two African American females and three African American males, got out of the Hyundai.

Mr. [REDACTED] stated that when the five people got out of the Hyundai they started hitting him, mostly striking him in the face. He sustained injuries to his neck and a "busted"<sup>36</sup> nose. Mr. [REDACTED] stated, "Everything happened so quick. The fight was going on...I looked, I saw a crowd...I just heard, 'Chicago Police, back up.'"<sup>37</sup> Mr. [REDACTED] said that the person who announced "Chicago Police" was wearing a Chicago White Sox jersey over his police uniform, now known to be Sergeant [REDACTED]. Mr. [REDACTED] was not sure where Sergeant [REDACTED] came from, but estimated he was approximately fifteen feet away from Mr. [REDACTED] with a gun drawn.

Mr. [REDACTED] said that approximately ten seconds later he heard gunshots coming from his left side while he was facing in a northeast direction. When asked how many shots he heard, Mr. [REDACTED] said he "only remember[ed]" one shot but he was sure that more were fired. After hearing the first shot, Mr. [REDACTED] got on the ground. Once the shooting ended, Mr. [REDACTED] saw an African American male, now known to be [REDACTED] with a gunshot wound to his neck. Mr. [REDACTED] rendered aid until paramedics arrived.

## 2. CIVILIAN INTERVIEWS

**IPRA interviewed witness [REDACTED] on November 5, 2016.**<sup>38</sup> Ms. [REDACTED] stated that on the date of the incident, she and her son stopped at the True Value store at 3111 W. 111<sup>th</sup> Street. Upon

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<sup>31</sup> Lieutenant [REDACTED] had not previously seen [REDACTED]. He said that Officer [REDACTED] was the only person he saw with a gun.

<sup>32</sup> Att. 126, 128.

<sup>33</sup> [REDACTED] was driving her cousin Ms. [REDACTED] red Hyundai Elantra.

<sup>34</sup> Att. 128, page 5, lines 3-4.

<sup>35</sup> *Id.*, page 5, line 5.

<sup>36</sup> *Id.*, page 18, line 10.

<sup>37</sup> *Id.*, page 7, lines 19-22.

<sup>38</sup> Att. 121, 124. On November 6, 2016, Ms. [REDACTED] provided an ERI to the Cook County State's Attorney's Office and CPD detectives. The statement she provided was consistent with the statement she provided the IPRA. (Att. 162).

leaving the store, she observed an African American male and an African American female, now known to be [REDACTED] exit a red car that was located directly across the street, near the firehouse at 3112 W. 111<sup>th</sup> Street. Ms. [REDACTED] added that a second African American male exited a dark colored Charger or Challenger. The individuals then surrounded a male, now known to be Officer [REDACTED] who was in a black sedan. The group yelled at the male in the sedan and it appeared that they were going to drag him out of the car. Based on the yelling she heard, it was her understanding the male in the sedan had gotten between two cars of a funeral procession where two lanes of traffic merge into one. According to Ms. [REDACTED] as she called 911 to report the incident,<sup>39</sup> [REDACTED] and the male from the Charger or Challenger approached her and started to yell and swear at her. They told her to get off the phone and said that it was “none of [her] fuckin’ business.”<sup>40</sup> Ms. [REDACTED] explained that around this point, she told her son to get into their vehicle, which was parked facing east in front of the True Value. Ms. [REDACTED] stated that [REDACTED] then punched her on the back of the head. Ms. [REDACTED] took photographs<sup>41</sup> of [REDACTED] vehicle so she could file a report later.

Ms. [REDACTED] stated that the individuals, who she described as all being African-American, re-entered their vehicles and proceeded west on 111<sup>th</sup> Street towards Troy Street. Ms. [REDACTED] explained that there was more yelling, and people again left their vehicles. Ms. [REDACTED] stated that at this point, there were a lot of people outside from the nearby businesses and firehouse. As she looked west towards Troy Street she saw a white male, now known to be off-duty Officer [REDACTED] holding a gun.<sup>42</sup> When she saw Officer [REDACTED] he was in the eastbound lanes of 111<sup>th</sup> Street, facing north. Ms. [REDACTED] stated that she got her son out of the car and they went into the True Value. While in the store, she heard approximately six to eight gunshots. Ms. [REDACTED] stated that she left the store once she saw police lights on scene.

**IPRA interviewed witness [REDACTED] on November 10, 2016.**<sup>43</sup> Mr. [REDACTED] stated that on the date of the incident, he was with Mr. [REDACTED] who was driving a black SUV eastbound on 111<sup>th</sup> Street. Mr. [REDACTED] explained that they stopped after they passed Troy Street because there were cars stopped in front of them. He stated that there was a red car, a grey car and a third vehicle stopped near the firehouse, blocking traffic. Mr. [REDACTED] added that people got out of the cars. He stated that Mr. [REDACTED] windows were down, and that Mr. [REDACTED] yelled repeatedly at the people in the street to get out of the street. Then Mr. [REDACTED] got out of the vehicle and told the group to “get outta the fuckin’ street.”<sup>44</sup>

Mr. [REDACTED] stated that the red car drove westbound, at an angle, toward Mr. [REDACTED]. The African American female driver got out of the vehicle and yelled at Mr. [REDACTED]. Mr. [REDACTED] stated that he was still in the vehicle and could not hear what was said. He stated that two other African American males also exited the red car and that the female shoved Mr. [REDACTED] and hit him in the chest with both fists. Mr. [REDACTED] added that he saw other people gather around Mr. [REDACTED] but did not see him get hit. At this point Mr. [REDACTED] got out of the vehicle.

<sup>39</sup> Att. 52.

<sup>40</sup> *Id.*, page 5, lines 9-10.

<sup>41</sup> Ms. [REDACTED] provided the IPRA a copy of two photographs she took on the date of incident.

<sup>42</sup> Ms. [REDACTED] described the male in the sedan and Officer [REDACTED] differently, but this investigation revealed that they were the same person.

<sup>43</sup> Att. 141, 145.

<sup>44</sup> Att. 145, page 14, lines 8-9.

Mr. [REDACTED] said that he heard someone say "I'm police"<sup>45</sup> and he tried to get Mr. [REDACTED] to leave the area. Mr. [REDACTED] stated that he walked to the north corner of 111<sup>th</sup> Street and Troy Street and saw [REDACTED] point a black and silver gun in the direction of Mr. [REDACTED] and other people in the crowd. He then saw a Caucasian male wearing a red shirt, now known to be Officer [REDACTED] with what appeared to be a black nine-millimeter semiautomatic pistol. Mr. [REDACTED] heard a person say, "Police, back, back off."<sup>47</sup> He did not specifically hear Officer [REDACTED] identify himself as a police officer but believed Officer [REDACTED] might have been the person he heard identify himself as the police. Mr. [REDACTED] said that Officer [REDACTED] had his pistol out as if to keep the crowd at bay, then he reholstered it, then he pointed it at [REDACTED]. When asked whether he heard anyone say that [REDACTED] had a gun, Mr. [REDACTED] stated that he did not hear anyone say [REDACTED] had a gun.

Mr. [REDACTED] explained that [REDACTED] was not part of the crowd, but stood near a silver Charger, which he believed to be [REDACTED] vehicle. Mr. [REDACTED] said that his attention was drawn to [REDACTED] because he yelled and waved the gun. He stated that after he saw [REDACTED] gun, he took cover, heard approximately ten gunshots, with three in quick succession. Once the shooting stopped, Mr. [REDACTED] ran north on Troy Street. At the time of the shooting, he was not aware of who fired.

**IPRA interviewed witness [REDACTED] on November 9, 2016.**<sup>48</sup> Ms. [REDACTED] stated that she was working as a bartender at Joseph's Restaurant, located at 3123 W. 111<sup>th</sup> Street on the date of the incident. She said that the restaurant was hosting a baby shower on that date. At approximately 3:00 p.m., she was outside having a cigarette and talking to two women from the baby shower. Ms. [REDACTED] stated that she heard a vehicle stop suddenly. She saw a white male wearing a black shirt and a group of African American men and women exit their cars. Ms. [REDACTED] explained that the white male, now known to be Mr. [REDACTED]<sup>49</sup> got out of a lighter SUV and stopped in front of two other cars.

Ms. [REDACTED] was not sure why the cars stopped but explained the group of seven or eight people yelled at Mr. [REDACTED]. She heard both Mr. [REDACTED] and the group of African Americans use racial language. Mr. [REDACTED] told the group, "You guys are acting like niggers."<sup>50</sup> Ms. [REDACTED] said that people from the group called Mr. [REDACTED] a "cracker," and screamed, "You don't know us."<sup>51</sup> She said that an African American male wearing a red and white striped dress shirt exited a red car, he

<sup>45</sup> *Id.*, page 21, line 9.

<sup>46</sup> Mr. [REDACTED] identified [REDACTED] by name without being asked. He was not asked and did not say how he learned the name.

<sup>47</sup> *Id.*, page 23, line 32.

<sup>48</sup> Att. 136, 138. On November 2016, Ms. [REDACTED] provided an ERI to the Cook County State's Attorney's Office and CPD detectives. The statement she provided was consistent with the statement she provided the IPRA.

<sup>49</sup> Ms. [REDACTED] said she knew Mr. [REDACTED] prior to this incident because he is friends with her ex-boyfriend. She identified his first name, but not his last name.

<sup>50</sup> Att. 138, page 12, line. 9. COPA referred this allegation to the City of Chicago Department of Human Resources Diversity and EEO Division, which referred it to the City's Office of Inspector General. The Inspector General opened an investigation involving Mr. [REDACTED] which was since closed. Mr. [REDACTED] passed away on June 6, 2018.

<sup>51</sup> Att. 138, page 11, lines 12-13.

walked up to Mr. [REDACTED] and punched him in the face. She saw Mr. [REDACTED] instantly fall to the ground. She eventually saw Mr. [REDACTED] get up and saw that he had blood on his face.

Ms. [REDACTED] said that she saw a Caucasian male wearing a red shirt and jeans, now known to be Officer [REDACTED] get out of a black SUV, headed east on 111<sup>th</sup> Street.<sup>52</sup> According to Ms. [REDACTED] at this point, 111<sup>th</sup> was completely blocked due to the altercation in the road. Ms. [REDACTED] said that Officer [REDACTED] exited his vehicle holding a silver handgun, telling the group, "I'm an off-duty police, get back, get back."<sup>53</sup> Ms. [REDACTED] explained the group surrounded Officer [REDACTED]

She said that a short black female, wearing a white shirt with a design on it, now known to be Ms. [REDACTED] stood directly in front of Officer [REDACTED]. Officer [REDACTED] told Ms. [REDACTED] to get back; she kept getting in his face, at which time Officer [REDACTED] pointed his gun at Ms. [REDACTED]. Ms. [REDACTED] heard Ms. [REDACTED] tell Officer [REDACTED] "if he's gonna point that gun he better do something about it."<sup>54</sup> Ms. [REDACTED] said that Ms. [REDACTED] friends tried to hold her back.

Ms. [REDACTED] said, "The next thing...I saw a gentleman across the way in a white shirt and it looked like he was wearing like a jacket, a blazer jacket...with a patch. And... he was also asking what was going on. I didn't hear him clarify what he was...I wasn't sure what he was. [...] he was wearing like...a white button-up shirt with a baseball cap."<sup>55</sup> Ms. [REDACTED] explained that this man, now known to be Sergeant [REDACTED] appeared from the west side of Troy Street, toward Kedzie Avenue.

Ms. [REDACTED] then saw a Dodge Charger parked behind a red Honda on 111<sup>th</sup> Street with two black males in the car watching the altercation.<sup>56</sup> She said that the driver moved the Charger along the passenger side of the red Honda. Ms. [REDACTED] explained that after the Charger moved, an African American male with dreadlocks, now known to be [REDACTED] got out of the passenger side of the Charger with a gun and pointed the gun over the roof of the car in the direction of Officer [REDACTED]. Ms. [REDACTED] explained that [REDACTED] was using the door as a shield and that the red Honda was in between him and Officer [REDACTED] who was in the intersection of 111<sup>th</sup> Street and Troy Street.

Ms. [REDACTED] believed that both Officer [REDACTED] and Sergeant [REDACTED] noticed [REDACTED] with a gun because she heard both Officer [REDACTED] and Sergeant [REDACTED] say, "Drop your weapon, drop your weapon."<sup>57</sup> Ms. [REDACTED] saw both Officer [REDACTED] and Sergeant [REDACTED] get into "defensive stances"<sup>58</sup> and move towards the passenger side of the Charger. Ms. [REDACTED] said Officer [REDACTED] was in the street and Sergeant [REDACTED] was by the corner of the hardware store on the northeast corner of 111<sup>th</sup> and Troy Street. She estimated that Officer [REDACTED] was a few feet away from [REDACTED]. She then heard approximately ten shots but did not see anyone shoot. She described the shots as occurring

<sup>52</sup> Ms. [REDACTED] may have been confused about which vehicle Officer [REDACTED] exited. Officer [REDACTED] vehicle was westbound on 111<sup>th</sup> Street, while Mr. [REDACTED] got out of an eastbound SUV.

<sup>53</sup> *Id.*, page 18, lines 14-15.

<sup>54</sup> *Id.*, page 18, lines 25-26.

<sup>55</sup> *Id.*, page 19, lines 5-11 and lines 20-21.

<sup>56</sup> Ms. [REDACTED] apparently mistook the red Hyundai Elantra that [REDACTED] drove that day for a Honda.

<sup>57</sup> Att. 138, page 25, line 25.

<sup>58</sup> *Id.*, page 25, line 24.

in quick succession, “almost as if everyone shot at the same time.” Ms. [REDACTED] ducked for cover and went down an alley toward the back of the restaurant.<sup>59</sup>

IPRA interviewed witness [REDACTED] on November 17, 2016.<sup>60</sup> Ms. [REDACTED] stated that on November 5, 2016, she went to her cousin’s, [REDACTED] baby shower at Joseph’s Restaurant. [REDACTED] is a CPD officer who was off-duty at the time of the incident.<sup>61</sup> Ms. [REDACTED] said that at approximately 3:00 p.m., several of the children attending the baby shower came into the restaurant and notified the guests that there was an altercation outside.

Ms. [REDACTED] said that she went outside and saw the cars on the street at a complete stop and described the scene as chaotic. She saw a group of African Americans, male and female, who were screaming, get out of a red car and a black car. Ms. [REDACTED] saw a Caucasian male with blood on the back of his head, now known to be Mr. [REDACTED] and assumed the group was screaming at him. At this point, she called 911 to report the fight.<sup>62</sup> Ms. [REDACTED] said, “that’s when I was calling 911 and then I saw a gentleman with a gun and I said ‘gun.’ They go ‘describe him’ and...just like I said, I didn’t know what to do. So, I said I would take a picture and um, all of a sudden, I, they, somebody else said ‘gun’ and I think it was the other gentleman with the gun that, but I didn’t see him until after the fact.”<sup>63</sup>

Ms. [REDACTED] said that after she was outside for about two minutes, she saw a Caucasian male in a red short-sleeve shirt and blue jeans, now known to be Officer [REDACTED] say “Chicago Police Department get back in your cars, get back into your cars. Chicago Police Department.”<sup>64</sup> Ms. [REDACTED] saw an African American male, now known to be [REDACTED] standing near the passenger side of a car pointing a gun at Officer [REDACTED]. She stated that Officer [REDACTED] had his fingers pointed as if he were holding a gun, but she definitely did not see a gun at that point. Ms. [REDACTED] heard several of the African American females in the street yell, “Gun,”<sup>65</sup> then immediately heard gunshots.

Ms. [REDACTED] stated that she heard approximately eight or nine gunshots and was “dragged”<sup>66</sup> into the restaurant. She explained that as she was dragged into the restaurant, she saw Officer [REDACTED] pointing a gun. Ms. [REDACTED] did not see anyone shoot; she only heard shots.

IPRA interviewed witness [REDACTED] on November 17, 2016.<sup>67</sup> Ms. [REDACTED] stated that on the date of the incident, she attended a baby shower at Joseph’s Restaurant with her sister, [REDACTED]

<sup>59</sup> Ms. [REDACTED] was also interviewed on November 6, 2016 by an Assistant State’s Attorney from the Cook County State’s Attorney’s Office and a Detective from the CPD. The interview was electronically recorded (Att. 152). IPRA obtained a copy of the video.

<sup>60</sup> Att. 165, 170.

<sup>61</sup> [REDACTED] is not related to [REDACTED] the woman who was surrounded by the group outside of True Value Hardware Store.

<sup>62</sup> This call is documented as Event 09312 (Att. 56).

<sup>63</sup> Att. 170, page 9. Lines 9-16. Ms. [REDACTED] was referring to [REDACTED] and Officer [REDACTED] when she talked about “a gentleman with a gun” and “the other gentleman with the gun,” but it is not clear which was which.

<sup>64</sup> *Id.*, page 12, lines 20-22.

<sup>65</sup> *Id.*, page 18, lines 23-28.

<sup>66</sup> *Id.*, page 22, line 16.

<sup>67</sup> Att. 172, 177.

Ms. [REDACTED] stated that she was leaving the restaurant with her sister at approximately 3:00 p.m. when she noticed a lot of commotion and heard people screaming outside. Ms. [REDACTED] said she heard a male say, "gun."<sup>68</sup> She then ran back into the restaurant and heard gunshots. After a few minutes, she believed it was safe enough to go back outside.

**IPRA interviewed witness [REDACTED] Jr. on December 17, 2016.**<sup>69</sup> His girlfriend, [REDACTED] (Officer [REDACTED]) was having her baby shower at Joseph's Restaurant on November 5, 2016. Mr. [REDACTED] arrived at Joseph's at approximately 2:50 p.m. At approximately 3:00 p.m. he noticed people arguing in the street and cars blocking both directions of traffic on 111<sup>th</sup> Street.

Mr. [REDACTED] saw a bald Caucasian male, now known to be Mr. [REDACTED] get out of a pick-up truck and tell a group of four to six people to move their cars. Mr. [REDACTED] explained that he later learned the group of four to six people were coming from a funeral. He saw the people from the funeral punching and scratching Mr. [REDACTED] but was not sure what started the altercation.

Mr. [REDACTED] saw a Caucasian male wearing a red shirt, now known to be Officer [REDACTED] run into the street and tell people to get back in their cars. Mr. [REDACTED] was not sure where Officer [REDACTED] came from but believed he was a police officer because of "the way he was speaking"<sup>70</sup> and because other people nearby started commenting that the police arrived. Mr. [REDACTED] said that he heard the people from the funeral yell at Officer [REDACTED] "I don't have to do what you say. We don't have to leave."<sup>71</sup>

Mr. [REDACTED] explained he was trying to get the baby shower guests into the restaurant, when he heard Officer [REDACTED] say, "Put away your gun. Put down your gun. Put down your gun. Put down your gun."<sup>72</sup> Mr. [REDACTED] said that his back was turned trying to get the guests into the restaurant, but he could distinguish Officer [REDACTED] voice from the other voices in the crowd. Mr. [REDACTED] did not know what gun Officer [REDACTED] was referring to. Mr. [REDACTED] stated that as soon as he went into the restaurant he heard "a good amount"<sup>73</sup> of gunshots but could not recall the exact number.<sup>74</sup>

**IPRA interviewed witness [REDACTED] on December 20, 2016.**<sup>75</sup> On November 5, 2016, she attended a baby shower for Officer [REDACTED] who is a family friend, at Joseph's Restaurant. Ms. [REDACTED] stated that she was helping Officer [REDACTED] load gifts into her vehicle when she observed an argument in the direction of the True Value Hardware Store to her east on the south side of 111<sup>th</sup> Street. She saw traffic stalled and people getting out of their cars. Ms. [REDACTED] then went back into the restaurant to bring more gifts to the vehicle.

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<sup>68</sup> Att. 177, page 7, line 11. Ms. [REDACTED] did not specify who said, "Gun," or to which firearm she believed the speaker referred.

<sup>69</sup> Att. 211-212, 214.

<sup>70</sup> Att. 214, page 21, lines 5-6.

<sup>71</sup> *Id.*, page 31, lines 18-19.

<sup>72</sup> *Id.*, page 30, lines 21-22.

<sup>73</sup> *Id.*, page 34, lines 23-24.

<sup>74</sup> *Id.*, page 34, line 23.

<sup>75</sup> Att. 216, 218

Ms. [REDACTED] said that she saw a Caucasian male wearing a black shirt, now known to be Mr. [REDACTED] near a truck and yelled something to the effect of, "Get out of here. Go back to your own neighborhood. Don't bring this mess here."<sup>76</sup> She saw a red car pull up<sup>77</sup> and two or three occupants, including the female driver, get out and hit Mr. [REDACTED] who bled from the neck. Ms. [REDACTED] said that it did not appear that Mr. [REDACTED] fought back.

Ms. [REDACTED] said that she saw a Caucasian male, now known to be Officer [REDACTED] in the middle of the street with a gun. She explained that Officer [REDACTED] had his back to her and she could not clearly remember what he wore, but she clearly remembered seeing a gun. Ms. [REDACTED] also saw a man she believed to be Hispanic wearing a black hat and a black coat, now known to be Sergeant [REDACTED] walking south on 111<sup>th</sup> Street.<sup>78</sup> Ms. [REDACTED] assumed Sergeant [REDACTED] was holding a gun due to the way he held his hands out and because he was "creeping corners."<sup>79</sup> Ms. [REDACTED] said that after seeing the guns, she became afraid and ran back into the restaurant through the rear entrance into the kitchen. She said that she heard three or four gunshots by the time she made it to the kitchen.

**IPRA interviewed witness [REDACTED] on December 1, 2016.**<sup>80</sup> Mr. [REDACTED] is employed by Hillside Florist, located west of Troy Street at 3144 W. 111<sup>th</sup> Street. On November 5, 2016, at approximately 3:00 p.m., he was working in the storefront window with the door open. Mr. [REDACTED] heard a commotion, left the shop and saw a gathering of people consisting of a small crowd of Caucasian people and a larger group of African American people at the intersection of 111<sup>th</sup> Street and Troy Street. Mr. [REDACTED] then ran east to the intersection of Troy Street to see what was happening.

Mr. [REDACTED] stated that he heard a Caucasian male in a red shirt, now known to be Officer [REDACTED] identify himself as a police officer at least twice and repeatedly tell the crowd to "get back"<sup>81</sup> because the crowd was surrounding him. Mr. [REDACTED] explained that he did not initially see Officer [REDACTED] with a weapon. Mr. [REDACTED] described a tall skinny younger African American male who was "runnin' around, gettin' in everybody's face."<sup>82</sup> Mr. [REDACTED] saw Officer [REDACTED] take out his gun. He stated that he saw Officer [REDACTED] and another Caucasian male wearing CFD clothing, now known to be Mr. [REDACTED] both with blood on their face. Mr. [REDACTED] was not certain whether he noticed the blood before or after the shooting.

Mr. [REDACTED] saw a tall African American male with dreadlocks, now known to be [REDACTED] standing by a dark colored car with a black gun in his hand. Mr. [REDACTED] estimated that he was standing approximately ten to fifteen feet away from [REDACTED]. Mr. [REDACTED] stated that [REDACTED] got out of his vehicle and was standing with his arm up and over the passenger's side of the vehicle, closer to the rear passenger side door, with the gun pointed at Officer [REDACTED]. According

<sup>76</sup> Att. 218, page 8, lines 2-3.

<sup>77</sup> The red Hyundai driven by [REDACTED]

<sup>78</sup> Ms. [REDACTED] was not aware at the time that either Sergeant [REDACTED] or Officer [REDACTED] were CPD members but later learned about it.

<sup>79</sup> Att. 218, page 12, line 21.

<sup>80</sup> Att. 184, 187.

<sup>81</sup> Att. 187, page 4, line 25.

<sup>82</sup> *Id.*, page 6, lines 31-32. COPA was unable to determine who this person was.

to Mr. [REDACTED] Officer [REDACTED] also pointed his gun at [REDACTED]. When asked if [REDACTED] or Officer [REDACTED] pointed his gun at the other first, Mr. [REDACTED] stated, "I believe he pulled it out and...pointin' it that way as [REDACTED] was...out on the side of his car as his arm was comin' up over the top of the car."<sup>83</sup> Approximately ten to twenty seconds later, Mr. [REDACTED] heard roughly four or five gunshots and took cover behind a parked vehicle. In total, Mr. [REDACTED] stated he heard approximately ten to twelve gunshots.

Mr. [REDACTED] explained that after the shooting ended, he got up and saw an African American male, now known to be [REDACTED] put Officer [REDACTED] in a headlock. Mr. [REDACTED] stated that Officer [REDACTED] got out of the hold quickly. Mr. [REDACTED] saw what he described as a "black clip"<sup>84</sup> approximately four inches long and two inches wide on the ground near Officer [REDACTED] and [REDACTED]. Mr. [REDACTED] stated that it appeared that [REDACTED] was crawling on the ground, moving towards the clip. A Caucasian male picked up the clip and gave it to Officer [REDACTED]<sup>85</sup>

**IPRA interviewed witness [REDACTED] on December 12, 2016.**<sup>86</sup> Mr. [REDACTED] stated that he lives nearby and on the date of the incident he was walking north on Troy Street towards 111<sup>th</sup> when he heard a commotion and noticed traffic was stopped. Mr. [REDACTED] explained that when he was approximately fifty feet away from the intersection, he noticed a fight.

Mr. [REDACTED] saw a skinny, bald Caucasian male, now known to be Mr. [REDACTED] being chased and physically attacked by a group of African American males. Mr. [REDACTED] explained that a Caucasian female, now known to be Ms. [REDACTED] was on the phone and one of the African American males hit her in the face. Mr. [REDACTED] said he tried to keep the crowd away from Mr. [REDACTED] and Ms. [REDACTED]

Mr. [REDACTED] said that two people, who he now knows to be Chicago Police officers, arrived. He said that a man with a red shirt, now known to be Officer [REDACTED] appeared on foot and a male with a white police shirt and jacket over his shirt, now known to be Sergeant [REDACTED] arrived in a vehicle. Mr. [REDACTED] stated that both had their weapons drawn and both announced that they were the police.

Mr. [REDACTED] saw an African American male, now known to be [REDACTED] get out of a grey car that was parked in front of the hardware store at the corner of 111<sup>th</sup> and Troy. Mr. [REDACTED] did not see [REDACTED] with a gun but heard Officer [REDACTED] and Sergeant [REDACTED] yell, "Police officer. Put the gun down," and people in the crowd yelled, "This guy's gotta gun,"<sup>87</sup> referring to [REDACTED]

Mr. [REDACTED] heard gunshots but was not sure who fired at the time. He explained that a couple seconds passed between hearing the verbal commands and the gunshots. He also saw Officer [REDACTED] engaged in a physical altercation with [REDACTED] brother, now known to be [REDACTED] to gain control of a gun. Mr. [REDACTED] said he went to assist Officer [REDACTED] and held [REDACTED] face to the ground for a second before Officer [REDACTED] ultimately recovered the weapon.

<sup>83</sup> *Id.*, page 15, lines 31-32 and page 16, lines 1-2.

<sup>84</sup> *Id.*, page 22, lines 22-30.

<sup>85</sup> Mr. [REDACTED] did not know this person's identity and no other witness reported seeing anyone picking up a "clip." When [REDACTED] weapon was recovered, the magazine was separate from the rest of the gun.

<sup>86</sup> Att. 203, 205. Mr. [REDACTED] told the interviewing investigators that he had read and heard about the incident since it happened, which supplemented his own memories.

<sup>87</sup> Att. 205, page 5, lines 6-9.

**IPRA interviewed witness [REDACTED]**<sup>88</sup> Ms. [REDACTED] stated that she was working at Cutrone Barber Shop, located at 3118 W. 111<sup>th</sup> Street at the time of the incident. At approximately 3:00 p.m., while at her work station, she heard yelling. Ms. [REDACTED] looked out the front window and saw a group of approximately twenty African American males and females yelling in front of the firehouse. She could not make out what anyone yelled. Ms. [REDACTED] then observed the group move west towards the intersection of 111<sup>th</sup> Street and Troy Street.

Ms. [REDACTED] exited the barbershop and stood on the sidewalk in front of Cutrone. She did not see an off-duty police officer in a red shirt and did not hear anyone identify themselves as a police officer. Ms. [REDACTED] explained that she did not have a view of the intersection of 111<sup>th</sup> Street and Troy Street due to cars parked along the curb and stalled traffic. She stated that her attention was drawn to an African American male standing on the passenger side of a car parked in front of the hardware store near the northeast corner of 111<sup>th</sup> and Troy Streets pointing a gun over the roof of the car, towards Joseph's Restaurant. Ms. [REDACTED] immediately ran inside Cutrone and heard several gunshots in rapid succession. Ms. [REDACTED] stated that she did not see who was shooting.

**COPA interviewed witness [REDACTED] on December 18, 2017.**<sup>89</sup> Mr. [REDACTED] said that on November 5, 2016, at approximately 3:00 p.m., he was visiting his friend, CFD Lieutenant [REDACTED] who was working at the firehouse located on 111<sup>th</sup> Street. Mr. [REDACTED] explained that he was standing inside the firehouse near the closed front doors when "A car pulls up on the front apron, at a high rate of speed. Slams on the brakes, people start piling out. [...] [P]eople that exited the vehicle, went up to another car that was waiting...in traffic and started beating on the car."<sup>90</sup> Mr. [REDACTED] described a group of approximately ten African American males and females surrounding the second car, which was a "sedan." Mr. [REDACTED] said there was a single occupant in the sedan being surrounded. He believed the group came from several cars that blocked traffic on 111<sup>th</sup> Street.

Mr. [REDACTED] said that when the traffic light changed, the sedan moved up four to five car lengths and the group followed the car screaming and yelling. Mr. [REDACTED] could not make out anything specific; however, based on the braking sound he heard, the position of cars, and their actions as they stopped, he assumed the altercation started because the sedan would not let another car merge back into the flow of traffic.

Mr. [REDACTED] stated that a Caucasian woman, now known to be Ms. [REDACTED] came out of a nearby hardware store and said she was going to call the police.<sup>91</sup> At that point, two African American males rushed toward her and punched her in the head. Mr. [REDACTED] said that a Caucasian male, now known to be Officer [REDACTED] arrived, but Mr. [REDACTED] was not sure where he came from. Mr. [REDACTED] heard Officer [REDACTED] identify himself as a police officer several times, stating, "If you were within a one block radius you heard him [Officer [REDACTED] yelling he was a cop."<sup>92</sup>

<sup>88</sup> Att. 242. Ms. [REDACTED] refused to provide an audio-recorded statement. Therefore, a handwritten statement was taken.

<sup>89</sup> Att. 308, 316.

<sup>90</sup> Att. 316 page 4, lines 12-14 and page 5, lines 3-5.

<sup>91</sup> Ms. [REDACTED] was outside of the True Value store on the south side of 111<sup>th</sup> Street across from the fire station.

<sup>92</sup> *Id.*, page 15, lines 14-15.

Mr. [REDACTED] saw Officer [REDACTED] with a firearm. Mr. [REDACTED] said that Officer [REDACTED] had his firearm pointed down and did not remember him aiming at anyone. Mr. [REDACTED] said that he saw Officer [REDACTED] reholster his weapon. After Officer [REDACTED] reholstered his weapon, he shoved people away from himself. Mr. [REDACTED] explained that after Officer [REDACTED] shoved people away, the crowd directed their attention toward another person. Mr. [REDACTED] saw a thinner Caucasian male, now known to be Mr. [REDACTED] get out of a truck. Mr. [REDACTED] later learned Mr. [REDACTED] was an off duty CFD employee. Mr. [REDACTED] stated that Mr. [REDACTED] told the group of people to leave the area, when people from the group knocked him to the ground and kicked him.

Mr. [REDACTED] also saw a person, now known to be Sergeant [REDACTED] wearing a white collared shirt with a jersey over it standing on the sidewalk on the north side of 111<sup>th</sup> Street. Mr. [REDACTED] believed Sergeant [REDACTED] to be a CPD officer either coming from work or going to work. Mr. [REDACTED] did not see Sergeant [REDACTED] with a gun.

Mr. [REDACTED] stated that just prior to the shooting, he saw an African American male with dreadlocks, now known to be [REDACTED] near a car with an open door on 111<sup>th</sup> Street to the west of the firehouse. Mr. [REDACTED] said that [REDACTED] pointed a gun at the people in the street. He heard people yell about a gun but could not identify who yelled or what gun was referred to. After Mr. [REDACTED] saw [REDACTED] with a gun, both he and Lieutenant [REDACTED] backed away. He stated, “[I]t was very shortly after that that the gunfire happened. At that point we were on the east side of the firehouse behind the wall.”

**IPRA interviewed witness [REDACTED] on February 21, 2017.**<sup>93</sup> Ms. [REDACTED] stated that on November 5, 2016, at approximately 3:00 p.m., she was with her cousin, [REDACTED] driving westbound on 111<sup>th</sup> Street. Ms. [REDACTED] stopped near the firehouse because an argument approximately three car lengths ahead of her stopped traffic. Ms. [REDACTED] said that a group of approximately ten African Americans argued in the middle of the street, but she could not make out what was said. She called 911 in response to this incident.<sup>94</sup>

Ms. [REDACTED] said that after she called 911, she saw an African American male, now known to be [REDACTED] standing on the north side of 111<sup>th</sup> Street near the intersection of Troy Street with a gun. She said [REDACTED] held the gun out in front of him and pointed it towards the center of 111<sup>th</sup> Street, but she could not see what he pointed at. Ms. [REDACTED] said her attention was drawn to [REDACTED] because a lot of people screamed, but she could not identify who screamed or what was said. Ms. [REDACTED] stated that she saw [REDACTED] fire his weapon multiple times and saw the gun smoking.<sup>95</sup> She immediately made a U-Turn to head eastbound and drove down Whipple Street to leave the area.

**IPRA interviewed witness [REDACTED] on November 7, 2016.**<sup>96</sup> Mr. [REDACTED] stated that he is a retired police officer. On the date of the incident, he was at his office, which is at 11100 S. Troy Street. The windows to his office have a view of the intersection of 111<sup>th</sup> and Troy Streets.

<sup>93</sup> Att. 272, 275.

<sup>94</sup> Ms. [REDACTED] 911 calls are documented as Event [REDACTED] (Att. 58) and Event [REDACTED] (Att. 94).

<sup>95</sup> Ms. [REDACTED] is the only witness who reported seeing [REDACTED] successfully fire his weapon. However, the physical evidence indicates that [REDACTED] was unable to fire his weapon.

<sup>96</sup> Att. 132, 134

Mr. [REDACTED] said that he heard loud yelling outside and saw a large group of African American people in the middle of the street. He saw the large group break into two smaller groups containing approximately twelve people each. One group moved towards the True Value Hardware Store across from the fire station and the second group followed. Mr. [REDACTED] said that an African American man in army fatigues was trying to calm everyone down.

Mr. [REDACTED] saw a dark colored SUV driving westbound on 111<sup>th</sup> stopped near the intersection of 111<sup>th</sup> and Troy Streets. A Caucasian male, now known to be Mr. [REDACTED] exited the SUV and walked towards the group of people. At this point, Mr. [REDACTED] left his office and heard Mr. [REDACTED] tell the group, "Get back in your car."<sup>97</sup> Mr. [REDACTED] saw an African American male with braided hair hit Mr. [REDACTED] in the mouth.

Mr. [REDACTED] said that a Caucasian male wearing a red shirt, now known to be Officer [REDACTED] appeared from the west as the crowd approached the two of them. Mr. [REDACTED] put his arm on Officer [REDACTED] back and said, "I hope you're the police."<sup>98</sup> Officer [REDACTED] nodded but remained focused on the approaching crowd, which consisted of six to eight people spread out across the street. Mr. [REDACTED] said that he then lost sight of Officer [REDACTED] and assumed he went to assist Mr. [REDACTED]. Mr. [REDACTED] said that within a few seconds of losing sight of Officer [REDACTED] he heard someone say, "Put it down" or "Drop it,"<sup>99</sup> followed by gunshots.

Mr. [REDACTED] then got behind a nearby vehicle to avoid the shots. He heard multiple shots, which he believed sounded like they were coming from two separate but similar guns in two distinct volleys. Once the shooting stopped, he saw a black semi-automatic gun in slide-lock position laying near his foot.<sup>100</sup>

Mr. [REDACTED] then picked up the gun and tried to get it out of the street. He heard someone he recognized from his softball team, who he believed to be Officer [REDACTED] identify himself as an off-duty police officer and handed him the gun.<sup>101</sup>

**On November 6, 2016, an Electronically Recorded Interview (ERI)<sup>102</sup>** was conducted of [REDACTED] at Area South by the Cook County Assistant State's Attorney's Office and a CPD detective. Ms. [REDACTED] stated that she was driving home from work when she observed a group of approximately nine African American men and women exiting several vehicles in the street. Ms. [REDACTED] recalled seeing people exit from a small red car, a Dodge Charger, and a third vehicle. She recalled that people from this group approached a white male who was wearing a black t-shirt, now known to be Mr. [REDACTED]. According to Ms. [REDACTED] the group began to yell and hit Mr. [REDACTED] on the head, but she could not make out what the individuals were yelling.

<sup>97</sup> Att. 134 page 8, line 3.

<sup>98</sup> *Id.*, page 15, line 4.

<sup>99</sup> *Id.*, page 39, line 14.

<sup>100</sup> This position is consistent with a misfire.

<sup>101</sup> COPA interviewed Officer [REDACTED] on January 22, 2018 (Att. 312). Officer [REDACTED] was aware of this incident, but said he was not present and although he knows Mr. [REDACTED] he did not recover a weapon from him. During his statement to COPA, Sergeant [REDACTED] stated that Mr. [REDACTED] handed him a weapon following the shooting (Att. 324).

<sup>102</sup> Att. 160.

Ms. [REDACTED] stated that she then pulled an unknown female off of Mr. [REDACTED]. Ms. [REDACTED] then saw another white male wearing a red t-shirt, now known as Officer [REDACTED] arrive, announce that he was a police officer, and instruct people to get back. Ms. [REDACTED] said that it did not appear that the individuals cared that he was an officer and explained that the group continued to yell at him and ask if he was “gonna pull a f’ing gun out now?”

Ms. [REDACTED] said that a black female lunged towards Officer [REDACTED] and another African American male pulled her off of him. Ms. [REDACTED] stated that Officer [REDACTED] identified himself as a police officer several times and repeatedly told people to get back. She stated that Officer [REDACTED] put his gun down for a moment and stepped back.

Ms. [REDACTED] stated that a black male in a Charger, now known as [REDACTED] proceeded towards the back of the car, appeared to grab something out of the trunk, and returned with a gun. Ms. [REDACTED] stated that [REDACTED] was crouched down by the side of the charger and “came up” with the gun. Ms. [REDACTED] stated that [REDACTED] sister was in the driver’s side, yelling “stop.”

Ms. [REDACTED] stated that [REDACTED] was pointing the weapon towards a male wearing a white shirt who also identified himself as a police officer, now known to be Sergeant [REDACTED]. Ms. [REDACTED] heard an officer and other people yelling several times for [REDACTED] to drop his weapon, but he did not comply. She then heard several shots and saw [REDACTED] go down. Ms. [REDACTED] stated that “they just kept shooting him” and she explained that the gun was lying next to his head.

**On November 6, 2016 an Electronically Recorded Interview (ERI)<sup>103</sup>** was conducted of [REDACTED] at Area South by the Cook County Assistant State’s Attorney’s Office and a CPD detective. Ms. [REDACTED] stated that she was in her vehicle with her boyfriend, [REDACTED] when the shooting occurred. She stated that she recorded a portion of the incident. Ms. [REDACTED] explained that she was driving east on 111<sup>th</sup> Street and stopped when she saw an altercation approximately five or six car lengths behind her, near the intersection of 111<sup>th</sup> and Troy Streets. Ms. [REDACTED] stated that she could see a lot of people arguing by the hardware store and saw a female taking pictures of the cars on the scene. Ms. [REDACTED] then saw the group get into their cars near the firehouse and move towards Troy Street.

Ms. [REDACTED] stated that she saw a firefighter,<sup>104</sup> now known to be Mr. [REDACTED] in the middle of the intersection of 111<sup>th</sup> and Troy Streets getting beat up. Ms. [REDACTED] also observed a male who she identified as a police officer, now known to be Officer [REDACTED] standing on the corner of Troy Street. Ms. [REDACTED] explained that she later observed on her video recording that Officer [REDACTED] said, “police,” and that he showed his weapon to everyone as he exited his car. She stated that she heard people telling Officer [REDACTED] that they didn’t care about that. Ms. [REDACTED] stated that the officer then “politely” walked around and shot the “boy.” Ms. [REDACTED] stated that she heard thirteen shots. As soon as she saw Officer [REDACTED] fire the first shot, she started running.

**IPRA interviewed witness [REDACTED] on January 27, 2017.**<sup>105</sup> [REDACTED] lives in Indianapolis, Indiana but on November 5, 2016, she was in Chicago for her cousin’s funeral. [REDACTED] explained that she left the cemetery located on 115<sup>th</sup> Street in a grey Kia Optima and

<sup>103</sup> Att. 158.

<sup>104</sup> Ms. [REDACTED] knew Mr. [REDACTED] was a firefighter because his shirt had a CFD emblem on it.

<sup>105</sup> Att. 257, 259.

was driving back to the funeral home for the repast. Her brother, [REDACTED] and an unidentified friend were in the car with her. She explained that several cars left the cemetery together and she followed her sister, [REDACTED] who was driving their cousin [REDACTED] red Hyundai Elantra with Ms. [REDACTED] as the passenger. [REDACTED] her second cousin, and [REDACTED] two children were behind [REDACTED]

[REDACTED] said they drove westbound on 111<sup>th</sup> Street when a black Buick sedan drove up behind her and cut her off.<sup>106</sup> She stated that they tried to drive around the Buick, but the driver refused to let them pass. [REDACTED] stated that [REDACTED] got out of the car and stated words to the effect of, "What are you doing, trying to, you know, run us off the road? Somebody call the police, call the police."<sup>107</sup> She explained that the driver of the Buick did not exit the vehicle.

[REDACTED] stated that after [REDACTED] got out of the car, a big commotion transpired because a crowd of people, all of whom were white, came out of nearby businesses and houses in response to them almost getting run off the road. She stated, "You can hear people yelling racial slurs, like 'get off the block. You all don't belong here...calling us N words' and everything."<sup>108</sup> [REDACTED] said that after the yelling started, she got out of the car to gather her group to leave. She explained that at this point it was a verbal, not a physical, altercation. [REDACTED] explained that as more people from the neighborhood came to the area, more people coming from the funeral got out of their cars. She stated that at some point the Buick left the area, but she was not sure where the vehicle went.

[REDACTED] said that the Buick immediately returned to the area before she could get back into her car to leave. She stated that she could not drive away because the Buick was in the middle of the street parked in both the eastbound and westbound lanes of 111<sup>th</sup> Street, in front of Ms. [REDACTED] red Hyundai Elantra. She said at this point, the driver of the Buick got out for the first time. She described him as a Caucasian male wearing a red shirt and jeans and carrying a gun, now known to be Officer [REDACTED]. She stated, he "was pointing it [the gun] in everyone's face."<sup>109</sup> [REDACTED] said that she was not aware that Officer [REDACTED] was a police officer until on-duty officers responded after the shooting. She said that her group was trying to leave, but Officer [REDACTED] approached the Elantra and slammed Ms. [REDACTED] door to prevent her from getting into the car.<sup>110</sup> [REDACTED] saw Officer [REDACTED] holding a black gun with both hands, with both arms out as if he was ready to shoot.

[REDACTED] said she saw a grey Charger, which she recognized as her brother [REDACTED] car, pull up alongside the Elantra [REDACTED] was driving. [REDACTED] said that she heard a gunshot, a pause, another gunshot, then "rapid fire."<sup>111</sup> She saw Officer [REDACTED] walk past the Elantra and start shooting through the windshield of the Charger. [REDACTED] said she did not hear Officer [REDACTED] say anything immediately prior to the shooting. She stated that she was approximately

<sup>106</sup> [REDACTED] reported that they were in front of the fire station at this point, but the initial traffic altercation was further east, in the 3000 block of West 111<sup>th</sup> Street.

<sup>107</sup> Att. 257, page 11, lines 7-9.

<sup>108</sup> Att. 257, page 15, lines 19-21.

<sup>109</sup> *Id.*, page 20, lines 11-13.

<sup>110</sup> No other witness indicated that Officer [REDACTED] attempted to prevent any members of the [REDACTED] party from getting back into their vehicles.

<sup>111</sup> *Id.*, page 27, line 6.

ten feet away from Officer [REDACTED] at the time and followed behind him to avoid being shot. She said that Officer [REDACTED] started firing when he was in front of the driver's side of the Charger and moved toward the passenger side as he fired. She explained that when she heard the rapid fire, Officer [REDACTED] was reaching over the open passenger side door and was shooting over the door at [REDACTED] while he [REDACTED] was on the ground.<sup>112</sup>

[REDACTED] said that Officer [REDACTED] continued to fire until he "emptied his clip,"<sup>113</sup> but she continued to hear shots after Officer [REDACTED] stopped shooting. She did not know the source of the additional shots. [REDACTED] said that at the time she heard the additional shots from an unknown source, Officer [REDACTED] was engaged in a physical altercation with [REDACTED] near the rear of the Charger. She saw Officer [REDACTED] lying on top of [REDACTED] with a black and brown gun. [REDACTED] did not believe the black and brown gun was the same firearm she saw Officer [REDACTED] with prior to the shooting. She explained that she did not see the gun Officer [REDACTED] initially had and was not sure where it went. [REDACTED] said that she saw the black and brown gun on the ground, but she did not see it fall and eventually someone from the funeral kicked the gun away. She stated, "And then that's when I see...a guy with a white shirt on, he was kind of chubby...dark pants...He comes and retrieves it and he walks off."<sup>114</sup> [REDACTED] said she never heard the man in the white shirt, now known to be Sergeant [REDACTED] identify himself as a police officer.

[REDACTED] said that after the gun was retrieved, police arrived and handcuffed her siblings and Ms. [REDACTED]. She also observed that a paramedic arrived and provided medical care to [REDACTED]

IPRA interviewed witness [REDACTED] on January 27, 2017.<sup>115</sup> Ms. [REDACTED] lives in Indianapolis, Indiana. She stated that on November 5, 2016, she traveled to Chicago with her fiancé, [REDACTED] for his cousin's funeral. Ms. [REDACTED] explained that after leaving the cemetery, she was going with [REDACTED] to the hospital to visit his uncle. When they left the cemetery, [REDACTED] was driving a 2013 grey Dodge Charger. She said they were going to visit an uncle at the University of Chicago Hospital, but the GPS took them the wrong way and they ended up westbound on 111<sup>th</sup> Street. As they were driving, they observed an altercation in the street.

Ms. [REDACTED] stated that she observed a Caucasian male wearing a red shirt, now known to be Officer [REDACTED] pointing a gun in people's faces, including [REDACTED]. She explained that [REDACTED] got out of the car and pulled on [REDACTED] arm to try to get her back into one of the vehicles. Ms. [REDACTED] explained that after seeing this, she moved into the driver's seat and pulled the car forward to tell people to get back in their cars. [REDACTED] then returned to the passenger seat.

Ms. [REDACTED] stated that the incident appeared resolved. They were ready to leave but for an unknown reason the altercation escalated. She again observed Officer [REDACTED] point a gun in people's faces. She stated, "And this guy is once again, has his gun out pointing it in everybody's face."<sup>116</sup> Ms. [REDACTED] said that [REDACTED] back was turned and Officer [REDACTED] pointed his gun at her back.

<sup>112</sup> [REDACTED] stated that this was the first time she saw [REDACTED] on the scene. She reported that she did not see him with a gun at any point that day.

<sup>113</sup> *Id.*, page 33, lines 16-17.

<sup>114</sup> *Id.*, page 45, lines 2-6.

<sup>115</sup> Att. 261, 264.

<sup>116</sup> Att. 261, page 9, lines 23-24.

[REDACTED] asked Ms. [REDACTED] for the keys and removed his gun from the locked glove compartment. She then heard [REDACTED] put the magazine in the gun. Ms. [REDACTED] stated that she told [REDACTED] that Officer [REDACTED] was not pointing the gun anymore and told [REDACTED] to put his gun down, which he did.

Ms. [REDACTED] said they were about to drive away when she saw Officer [REDACTED] coming toward their car and pointing the gun through the driver's side window at where Ms. [REDACTED] was sitting. She stated that [REDACTED] got out of the car and [REDACTED] and Officer [REDACTED] yelled at each other. According to Ms. [REDACTED] Officer [REDACTED] continued to point his gun through the Charger's driver's side window.<sup>117</sup>

Ms. [REDACTED] said that [REDACTED] hands were down the entire time he argued with Officer [REDACTED]. She heard [REDACTED] say, "Motherfucker, I got a gun too. I got a permit to carry it,"<sup>118</sup> and saw him point the gun in the air to show it to Officer [REDACTED]. She said that [REDACTED] kneeled on the passenger side toward the rear of the vehicle and told her to get out of the car. Ms. [REDACTED] explained that the passenger side door was open, but the rear passenger door was closed. She tried to put the car in park but was unable to do so. She then jumped out of the vehicle while it was still in drive. Ms. [REDACTED] said that before she could completely get out of the car, she heard a gunshot and glass shattering. Ms. [REDACTED] got out of the car and ran around the building. As she ran around the building, Ms. [REDACTED] saw [REDACTED] kneeling by the car. When asked what [REDACTED] was doing at that moment, Ms. [REDACTED] stated that he was "just kneeling down. He wasn't doing anything."<sup>119</sup> Ms. [REDACTED] subsequently heard several shots from multiple guns. After the gunfire stopped, she returned to the car and saw [REDACTED] laying in the middle of the street.

Ms. [REDACTED] went to the Charger to attempt to follow the ambulance, but she was handcuffed and taken to the police station.

**IPRA interviewed witness [REDACTED] on July 11, 2017.**<sup>120</sup> [REDACTED] was [REDACTED] older brother. [REDACTED] stated that on November 5, 2016, she attended her cousin's funeral service. She left the cemetery with her cousin, Ms. [REDACTED] a friend of her deceased cousin named [REDACTED] (last name unknown); and [REDACTED] six-year-old son. [REDACTED] was driving Ms. [REDACTED] car, a red Hyundai<sup>121</sup>. [REDACTED] said that when they left the cemetery, she was following her sister, [REDACTED] and her brother, [REDACTED] who were in a grey Kia. [REDACTED] and his fiancée, Ms. [REDACTED] did not follow them.

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<sup>117</sup> The allegation that Officer [REDACTED] pointed his weapon without justification is addressed in the report of companion case Log# 1088416.

<sup>118</sup> *Id.*, page 11, lines 7-8. The validity of [REDACTED] permit to carry a weapon is not material to the lawfulness of the officers' use of deadly force in this case.

<sup>119</sup> *Id.*, page 40, line 5.

<sup>120</sup> Att. 277, 278-279. The Arrest Report for [REDACTED] documents that she was arrested on November 5, 2016 and charged with Battery (Att. 12).

<sup>121</sup> In her statement to IPRA, [REDACTED] referred to Ms. [REDACTED] car as a Honda, but it was in fact a Hyundai.

[REDACTED] stated that immediately after they turned westbound on 111<sup>th</sup> Street, someone cut off [REDACTED] vehicle in front of the firehouse.<sup>122</sup> She was unable to remember any details about the car but described the driver as a Caucasian male wearing a red shirt, now known to be Officer [REDACTED].<sup>123</sup> [REDACTED] stated, “And the person who cut ‘er off on the side of ‘er and was just yellin’ talkin’, like sayin’ real lotta racist stuff...He was callin’ ‘er all out her name. He started, when I asked what was the problem, he even started callin’ me out my name. ...He’s callin’ ‘er ‘stupid B, a black B.’”<sup>124</sup> [REDACTED] stated that Officer [REDACTED] did not exit his vehicle but was yelling at them with the window down and his vehicle stopped so close to the Kia that if he opened his door he would have hit the Kia. She said that Officer [REDACTED] then drove away.

[REDACTED] said that after Officer [REDACTED] drove away, they remained in their cars and a Caucasian woman, now known to be Ms. [REDACTED] came out of a nearby hardware store and made racially offensive comments. [REDACTED] stated that Ms. [REDACTED] was swinging a mop at them and a verbal altercation began. At this point, [REDACTED] got out of the car, as did the other passengers in the Hyundai and the Kia. Ms. [REDACTED] swung at [REDACTED] who hit Ms. [REDACTED] in response. [REDACTED] said that everyone eventually returned to their cars and tried to leave but they were cut off by a tall skinny Caucasian man in a black truck, now known to be Mr. [REDACTED].

[REDACTED] explained that Officer [REDACTED] returned driving eastbound on 111<sup>th</sup> Street with two other men in his vehicle: a short Caucasian man wearing a black baseball hat and a tall skinny Caucasian man.<sup>125</sup> Officer [REDACTED] got out of his vehicle with a gun in his hand. She stated that her group got out of their cars because Officer [REDACTED] was pointing his gun at them. She said, “And then he came back. They were arguin’ with him. He started wavin’ his gun in our face.”<sup>126</sup> He told us he was gonna kill us. He was gonna shoot us.”<sup>127</sup> She stated that Officer [REDACTED] never announced he was a police officer and did not have anything other than a gun in his hands.

[REDACTED] said that during this altercation, her brother, [REDACTED] and his fiancée, Ms. [REDACTED] were driving westbound on 111<sup>th</sup> Street. She stated that [REDACTED] stopped his Dodge Charger, got out, and said, “Fuck this shit.”<sup>128</sup> Officer [REDACTED] then said, “I want him, he has dreads; I want the dude with the dreads,”<sup>129</sup> and then started shooting at [REDACTED] car. [REDACTED] stated that she first heard sirens approaching at the time Officer [REDACTED] started shooting. According to [REDACTED] Officer [REDACTED] started shooting when he was in front of the Charger and continued shooting as he walked around to the passenger side. She stated that as Officer [REDACTED] was shooting, Ms. [REDACTED] was in the driver’s seat of the Charger and [REDACTED] was standing up outside the passenger side of

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<sup>122</sup> The allegation regarding Officer [REDACTED] reckless driving is addressed in the report of companion case Log #1088416.

<sup>123</sup> [REDACTED] did not know that Officer [REDACTED] was a police officer until she saw something about the incident on the news approximately one month later.

<sup>124</sup> Att. 278, page 10, lines 23-26, page 13, lines 24-26 and page 14, line 20.

<sup>125</sup> Although these descriptions appear to fit Sergeant [REDACTED] and Mr. [REDACTED] respectively, numerous other witnesses indicate that Officer [REDACTED] arrived on the scene alone.

<sup>126</sup> This allegation is addressed in the report of companion case Log #1088416.

<sup>127</sup> *Id.*, page 17, lines 15-18.

<sup>128</sup> *Id.*, page 17, line 19.

<sup>129</sup> *Id.*, page 17, lines 19-21.

the vehicle. She stated that as the shooting continued, [REDACTED] was kneeling on the passenger side of the vehicle. She said that Ms. [REDACTED] got out of the car when Officer [REDACTED] started shooting through the windshield. When Ms. [REDACTED] exited the driver's side of the vehicle, the vehicle continued moving because it was apparently still in drive.

[REDACTED] said the other men with Officer [REDACTED] were just standing there looking at what was happening. She stated that Mr. [REDACTED] was out of his truck and physically fighting with the men coming from the cemetery. [REDACTED] stated that as Officer [REDACTED] was shooting, she tried to run towards [REDACTED] but that Mr. [REDACTED] choked her in a manner that caused her to fall to the ground.<sup>130</sup> [REDACTED] stated that she saw the smoke from Officer [REDACTED] firearm and heard more than seven gunshots. She stated that she did not see [REDACTED] with a gun but was aware that he had a concealed carry permit. Before Officer [REDACTED] shot, [REDACTED] could see [REDACTED] hands and full body and she said that he was not doing anything with his hands.<sup>131</sup>

[REDACTED] stated that immediately after the shooting, she tried administering CPR to [REDACTED]. Mr. [REDACTED] tried to help her, but she told him to stop. She explained that paramedics arrived, put [REDACTED] in the ambulance, and told her she could not get in. She stated that after the paramedics put [REDACTED] in the ambulance, she went up to Officer [REDACTED] and said, "You just shot my brother,"<sup>132</sup> to which he responded, "I don't care. Tell me somethin' I don't know."<sup>133</sup> She said that at this point "All I know is some man grabbed me and said, 'since you wanna act like an animal, I'm gonna treat you like one,' and put me in the back of the police car."<sup>134</sup> [REDACTED] was unable to identify the officer, who also handcuffed her.

**IPRA attempted to interview witness [REDACTED] on January 25, 2017**, but he declined to answer questions about the incident due to a pending criminal case.<sup>135</sup> On November 6, 2016, CPD detectives conducted a video-recorded interview of [REDACTED], a summary of which is as follows.<sup>136</sup>

[REDACTED] stated that he was leaving the burial site after a funeral with his younger sister, when a 2007 navy blue Chevrolet Impala almost hit his sister's car and would not let their car pass. He said the driver, now known to be Officer [REDACTED] was threatening and hollering at his younger sister and calling her names. He said that suddenly there were "so many people around and everyone just started arguing." [REDACTED] said that people from the neighborhood and nearby businesses came out into the street and were making racist comments and asking to call the police. [REDACTED] said that a Caucasian female, now known as Ms. [REDACTED] was trying to call the police. He also stated that

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<sup>130</sup> No other witness reported seeing Mr. [REDACTED] choke [REDACTED] or cause her to fall to the ground.

<sup>131</sup> This statement is contradicted by the testimony of numerous witnesses, including Ms. [REDACTED] who was with [REDACTED] in his vehicle. It is also entirely contrary to the image in Figure 4 below, which shows [REDACTED] brandishing a handgun.

<sup>132</sup> *Id.*, page 41, lines 16-17.

<sup>133</sup> *Id.*, page 41, lines 17-18.

<sup>134</sup> *Id.*, page 42, lines 1-4.

<sup>135</sup> Att. 252. The Arrest Report for [REDACTED] documents that he was arrested on November 5, 2016 and charged with Aggravated Battery of a Peace Officer and Attempting to Disarm a Peace Officer/Correctional Officer (Att. 9)

<sup>136</sup> Att. 149, 150

there was a Caucasian male with a bloody nose on the scene, now known as Mr. [REDACTED] who tried to help his brother after the shooting.

[REDACTED] said that Officer [REDACTED] left and approximately five minutes later he walked back with a gun. Another man was with Officer [REDACTED] when he returned. [REDACTED] said that Officer [REDACTED] approached him and pointed a gun at him, then [REDACTED] raised his hands in a surrendering gesture.

[REDACTED] said that he became aware that his brother, [REDACTED] was several cars back. [REDACTED] started walking towards [REDACTED] waving his arms and telling him, "No,"<sup>137</sup> as if to tell him not to come any closer. [REDACTED] knew that [REDACTED] had a concealed carry permit, but he did not see [REDACTED] with a gun during the altercation. [REDACTED] heard someone he referred to as "the police" say "gun!"<sup>138</sup> [REDACTED] then heard gunshots. The detectives asked [REDACTED] what happened after the shots were fired and he said, "I don't know, they just kept shooting."<sup>139</sup> [REDACTED] demonstrated a person holding a gun with two hands and firing in a downward direction and said that Officer [REDACTED] continued shooting at [REDACTED] after [REDACTED] was on the ground. He stated that there was another person with a gun behind Officer [REDACTED]

[REDACTED] said that after the shooting, Officer [REDACTED] walked toward him with a gun held to his side. [REDACTED] stated that he tried to perform CPR on his brother and Officer [REDACTED] ended up on top of him with a gun. [REDACTED] said that he kicked the gun out of Officer [REDACTED] hand. Shortly after that, he was handcuffed.

[REDACTED] stated that he only found out a police officer was involved after the shooting. He said that Officer [REDACTED] did not display a badge and never identified himself as a police officer, but that another person identified Officer [REDACTED] as a police officer during the altercation.<sup>140</sup>

### 3. CHICAGO POLICE DEPARTMENT PERSONNEL INTERVIEWS

IPRA interviewed witness Detective [REDACTED] on November 6, 2016.<sup>141</sup> At the time of the incident, Detective [REDACTED] was off-duty and unarmed, taking his twelve-year-old son to get a haircut at Cutrone Barber Shop located at 3118 W. 111<sup>th</sup> Street.

Detective [REDACTED] was sitting next to the window inside Cutrone when he heard a loud commotion through the open door. Detective [REDACTED] said that he heard a lot of screaming and yelling, much of which was inaudible, but he could hear swearing. He said that when he looked out the window, he saw that a group of six or seven African American males and females had surrounded a black Buick

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<sup>137</sup> Att. 149, 21:56.

<sup>138</sup> *Id.*, 22:02.

<sup>139</sup> *Id.*, 21:56.

<sup>140</sup> Witness recollections are inconsistent regarding whether and how Officer [REDACTED] identified himself as a police officer. This issue of whether Officer [REDACTED] identified himself as a police officer is addressed under companion case, Log #1088416.

<sup>141</sup> Att. 129, 130. Since the date of his interview, Detective [REDACTED] was promoted to sergeant and got a new star number of [REDACTED]. For purposes of this Summary Report of Investigation, Detective [REDACTED] will be referred to in a manner consistent with his status at the time of his interview.

and were hitting the window and trying to open the door. Detective [REDACTED] said that a Caucasian male was the sole occupant of the Buick. At the time, Detective [REDACTED] did not recognize the occupant of the Buick but later learned it was Officer [REDACTED] who he met a few times through his former partner.

Detective [REDACTED] said that he moved towards the exit of Cutrone and was trying to decide what to do when he saw the Buick drive westbound on 111<sup>th</sup> for approximately half a block. He said it appeared that the group of African American men and women were trying to figure out what to do and tried to get into their cars. At this point, Detective [REDACTED] noticed a Caucasian woman, now known to be Ms. [REDACTED]<sup>142</sup> standing on the south side of 111<sup>th</sup> Street with her cell phone out. He said that one of the African American females from the group crossed over to the south side of the street and punched Ms. [REDACTED] in the head.

Detective [REDACTED] said that after Ms. [REDACTED] was punched, he walked out of Cutrone. The crowd started to run westbound on 111<sup>th</sup> Street. He then saw a skinny Caucasian male in a black t-shirt, now known to be Mr. [REDACTED] standing by a black Dodge Durango facing eastbound on 111<sup>th</sup> Street, yelling at the crowd. Detective [REDACTED] stated that “the crowd just basically attacks him. I saw at least, maybe four people. [...] And, they were attacking him, and he was trying to fight back. So, at this point, I start going in that direction.”<sup>143</sup>

Detective [REDACTED] said that by the time he went from Cutrone to where the altercation was taking place, the altercation had calmed down. He turned his back and was trying to stop other people from heading in that direction. He stated, “[a]nd I’m hearing, from behind me, ‘Police, get back in your f’n cars, police.’ [...] I heard ‘police’ several times.”<sup>144</sup> Detective [REDACTED] said that he turned around and saw a Caucasian male in a white shirt with a jersey over it and blue pants, now known to be Sergeant [REDACTED]. He believed Sergeant [REDACTED] attire identified him as a member of the CPD.

Detective [REDACTED] saw a Dodge Charger parked illegally on 111<sup>th</sup> Street with the nose facing northwest and the back end approximately six feet off the curb. He was not certain where the Charger came from or when it arrived. Detective [REDACTED] said that Officer [REDACTED] had his gun drawn and was moving towards the passenger side of the Charger, closer to the sidewalk and was approximately five feet away from the Charger. He explained that Sergeant [REDACTED] also had his gun drawn and was also moving towards the passenger side of the Charger, but was closer to the sidewalk, on the northeast corner of the intersection of 111<sup>th</sup> Street and Troy Street. Detective [REDACTED] heard “police”<sup>145</sup> several more times and approximately ten to fifteen gunshots. He saw both Officer [REDACTED] and Sergeant [REDACTED] fire their weapons at the passenger side of the Charger, but he did not have full view of the passenger side of the Charger.

Detective [REDACTED] ran back to Cutrone because he was unarmed and concerned about his son. He said that when he went back outside, he saw an African American male with long braids wearing a black button-up shirt, now known to be [REDACTED]. Detective [REDACTED] stated “[H]e had, uh, Officer

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<sup>142</sup> Detective [REDACTED] did not recognize this woman at the time. After the incident, he learned it was Ms. [REDACTED] who he knows from high school.

<sup>143</sup> Att. 130, page 18, lines 23-24 and page 19, lines 4-6.

<sup>144</sup> *Id.*, page 22, lines 13-16.

<sup>145</sup> *Id.*, page 24, line 17. On multiple occasions throughout his statement Detective [REDACTED] relayed that he heard Officer [REDACTED] and/or Sergeant [REDACTED] announce their offices.

[REDACTED] by the neck...with both arms and he pulled Officer [REDACTED] to the ground and Officer [REDACTED] firearm had slide locked and it was over his head...when the guy had him around the neck.”<sup>146</sup> Detective [REDACTED] said that Officer [REDACTED] freed himself and stood up.

Detective [REDACTED] said that shortly after Officer [REDACTED] got up, he saw Officer [REDACTED] with a “two toned semi-automatic in his hand, and he takes it, and puts it down the front of his pants.”<sup>147</sup> Detective [REDACTED] said the two-toned semi-automatic pistol was not the same firearm he saw in slide lock during Officer [REDACTED] altercation with [REDACTED]

**COPA interviewed witness Officer [REDACTED] on November 20, 2017.**<sup>148</sup> Officer [REDACTED] stated that on the afternoon of November 5, 2016, she held her baby shower at Joseph’s Restaurant. During the shower, her eleven-year-old niece came into the restaurant and told the guests that there was a big fight outside. Officer [REDACTED] went outside and saw traffic stopped on 111<sup>th</sup> Street and people screaming. She yelled at people to get back in their cars. She explained that she did not hear anything specific from the screaming crowd, in part because she yelled herself.

Officer [REDACTED] said that her boyfriend, Mr. [REDACTED] told her to go back into the restaurant because she was pregnant.<sup>149</sup> On her way back into the restaurant, Officer [REDACTED] asked some of her family members to call 911 because she left her cell phone inside. Officer [REDACTED] said that once she was back in the restaurant she heard “quite a lot”<sup>150</sup> of gunshots.

**IPRA interviewed witness officer, Sergeant [REDACTED] on December 22, 2016.**<sup>151</sup> Sergeant [REDACTED] lives near the firehouse located at 3112 W. 111<sup>th</sup> Street. He was off-duty on the date of the incident and inside his house when he heard approximately eight to ten gunshots. He got his duty weapon, told his wife to call 911, and proceeded to the firehouse. When he got there, he observed cars parked in the street, and people yelling, screaming, pushing, and wanting to fight. Sergeant [REDACTED] saw a white male with blood on his face and an African American male, now known to be [REDACTED] laying in the street with two people attempting to give him CPR. According to Sergeant [REDACTED] there were several shell casings near [REDACTED] body. Sergeant [REDACTED] stated that he heard people screaming words to the effect of, “You killed my brother. You killed my brother.”<sup>152</sup>

Sergeant [REDACTED] added that the Captain from the [REDACTED] District wanted a female arrested so he held her hands behind her back and a uniformed officer placed her in handcuffs. Sergeant [REDACTED] said he did not have a conversation with the woman but that she identified herself as [REDACTED] sister.

<sup>146</sup> Att. 130, page 34, lines 11-15.

<sup>147</sup> *Id.*, page 35, lines 13-15.

<sup>148</sup> Att. 302, 315. Officer [REDACTED] is not related to [REDACTED]

<sup>149</sup> Mr. [REDACTED] statement appears above in the Civilian Interviews section of the report.

<sup>150</sup> Att. 315, page 9, lines 20-21.

<sup>151</sup> Att. 222, 223.

<sup>152</sup> Att. 223, page 9, lines 16-17.

#### 4. INVOLVED OFFICER INTERVIEWS

COPA interviewed involved officer, Sergeant [REDACTED] on February 8, 2018.<sup>153</sup> Sergeant [REDACTED] stated that at the time of the incident, he was driving to work, in a black 2014 Toyota Highlander, wearing his police uniform, which consists of navy-blue pants and a white shirt. Sergeant [REDACTED] had a black White Sox jacket over his uniform shirt and a plain baseball cap. He said he drove eastbound on 111<sup>th</sup> Street and stopped at the corner of 111<sup>th</sup> Street and Troy Street due to stalled traffic.

Sergeant [REDACTED] stated that he observed several African American males and females yelling in the street. Sergeant [REDACTED] was not sure who the African American group yelled at or what they said. He explained that a Caucasian male, now known to be Mr. [REDACTED] got out of a vehicle and yelled at the African Americans in the street. Sergeant [REDACTED] was not sure what Mr. [REDACTED] yelled, but stated that members of the group punched Mr. [REDACTED] in the face. Sergeant [REDACTED] stated that when he saw Mr. [REDACTED] get hit, he got out of his vehicle and attempted to call the [REDACTED] District but was not able to reach anyone.

Sergeant [REDACTED] stated, "Officer [REDACTED] came to my right with his, uh, weapon drawn, and that was, he had his star showing, yelling at them, "Police. Get back in your cars and get out of here.""<sup>154</sup> Sergeant [REDACTED] did not know whether Officer [REDACTED] had his star in his left hand or on his belt. He explained that he instantly recognized Officer [REDACTED] and knew him to be a member of the CPD because the two worked together in the [REDACTED] District several years before. Sergeant [REDACTED] said that Officer [REDACTED] held his weapon with one hand, but he was not certain if he pointed it at anyone or pointed it at the ground. He stated that at some point, Officer [REDACTED] holstered the weapon. Sergeant [REDACTED] stated that Officer [REDACTED] yelled at the crowd and they yelled back and forth at Officer [REDACTED]. Sergeant [REDACTED] was unable to decipher exactly what the crowd said. He stated that at this point, he was on the phone, attempting to call the [REDACTED] District three times without a response.

Sergeant [REDACTED] stated that Officer [REDACTED] alerted him that a black male was pointing a gun in Officer [REDACTED] direction. Sergeant [REDACTED] observed a dark grey Dodge Charger with the front passenger door open, facing westbound on the northeast corner of 111<sup>th</sup> Street and Troy Street. An African American male, now known to be [REDACTED] was crouched down by the side of the vehicle, holding a gun in his right hand. Sergeant [REDACTED] explained that at this point, he had drawn his weapon and was approximately twenty feet away from [REDACTED]. Sergeant [REDACTED] stated "I took a position on the corner of the building to look, right on the corner, on the angle, where I observed, . . . now known as [REDACTED] crouched down on the ground, on the side of the Dodge Charger."<sup>155</sup> Sergeant [REDACTED] stated that Officer [REDACTED] was on the driver's side of the Charger towards the middle of the street. Sergeant [REDACTED] stated that [REDACTED] was crouched down, but still on his feet with one knee down and he was looking toward the Charger's windows.

Sergeant [REDACTED] stated that [REDACTED] moved upwards and in the direction of Officer [REDACTED]. Sergeant [REDACTED] yelled, "Police,"<sup>156</sup> when he saw [REDACTED] move upward. He stated,

<sup>153</sup> Att. 320, 324

<sup>154</sup> Att. 324, page 16, lines 11-14.

<sup>155</sup> *Id.*, page 22, lines 1-5.

<sup>156</sup> *Id.*, page 24, line 2.

"Once he started coming up, I yelled, "Police." He came up, as soon as he came with the gun, I discharged my weapon."<sup>157</sup> Sergeant [REDACTED] stated that when he saw [REDACTED] move upward, he fired three or four shots, which spun him around in a manner where he leaned against the Charger, facing the sergeant with the gun pointed in his direction. Sergeant [REDACTED] said that he then fired a few more times. [REDACTED] was still moving, so he fired once more. Sergeant [REDACTED] explained that at the time, he did not keep track of how many times he fired, but he learned afterwards that he discharged his weapon seven times.

Sergeant [REDACTED] explained that while he fired, Officer [REDACTED] was initially on the driver's side of the Charger in the middle of the street and that Officer [REDACTED] fired at an angle towards the Charger. When Sergeant [REDACTED] fired, Officer [REDACTED] came around to the passenger side of the Charger and fired from the same direction as Sergeant [REDACTED]. He believed that Officer [REDACTED] fired a round around the same time as his own final shot. [REDACTED] then dropped the gun.

Sergeant [REDACTED] stated that once he stopped firing, [REDACTED] brother, [REDACTED] tried to grab [REDACTED] weapon and started to fight with Officer [REDACTED] over it. Sergeant [REDACTED] said that [REDACTED] placed Officer [REDACTED] in a "headlock"<sup>158</sup> but he observed that Officer [REDACTED] had control of the weapon. Sergeant [REDACTED] said that he approached Officer [REDACTED] and [REDACTED] and pointed his firearm at them until he could see Officer [REDACTED] with control of the weapon.

Sergeant [REDACTED] said that he had to divert his attention away from Officer [REDACTED] because two African American males ran up behind him. Sergeant [REDACTED] stated that he turned around and immediately recognized Mr. [REDACTED] running with a weapon that he knew to be Officer [REDACTED]. Sergeant [REDACTED] stated that the weapon was in slide lock position, which he understood to mean there was no ammunition in the weapon. Referring to Mr. [REDACTED], Sergeant [REDACTED] stated, "Once I seen him run by with the gun, I yelled to him, [REDACTED] give me the gun." He told me, 'No.' He didn't know, he didn't know who I was...I said, [REDACTED] 'I'm the police, give me the gun,' and then he handed me Officer [REDACTED] weapon."<sup>160</sup> Sergeant [REDACTED] stated that at this point, a marked police vehicle arrived.

**COPA interviewed involved officer, Officer [REDACTED] on February 21, 2018.**<sup>161</sup> Officer [REDACTED] stated that at the time of the incident, he was off-duty as of 2:00 p.m. and travelling home from Homan Square, in a black four door Buick. He stated that he was in civilian attire, wearing a red t-shirt, jeans and tennis shoes.

Officer [REDACTED] stated that he was driving westbound on 111<sup>th</sup> Street when he noticed the three cars ahead of him were driving recklessly. He stated that he attempted to drive around the three vehicles, but the last car of the three almost hit him and almost ran him off the road. Officer [REDACTED] said that when he arrived near the front of the firehouse on 111<sup>th</sup> Street, one car pulled up to his left, another to the right, and the third car behind him. He said that the occupants of the three vehicles,

<sup>157</sup> *Id.*, page 24, lines 3-4.

<sup>158</sup> *Id.*, page 26, line 17.

<sup>159</sup> Sergeant [REDACTED] said that he knows Mr. [REDACTED] as the realtor who sold him his first house.

<sup>160</sup> *Id.*, page 27, lines 15-21. This was in fact [REDACTED] weapon, not Officer [REDACTED]

<sup>161</sup> Att. 322, 325. This incident developed into other allegations and on March 21, 2018, Officer [REDACTED] responded to the separate allegations reported under Log #1088416.

approximately twelve to fifteen African American males and females, exited the cars and surrounded his vehicle. They were banging on the windows of his vehicle and trying to open his door. Officer [REDACTED] stated that a taller, skinnier African American male punched him while he was still in his vehicle. He then heard someone to his rear yell, "Pop him,"<sup>162</sup> which he took to mean either to hit him again or possibly shoot him.

Officer [REDACTED] stated that when traffic ahead of him cleared, he sped off, crossed Troy Street, and called 911.<sup>163</sup> He said that he did not recall what information he relayed during the 911 call. Officer [REDACTED] stated that, in looking back east on 111<sup>th</sup> Street, he saw the group that had accosted him move in front of the True Value Hardware Store. Officer [REDACTED] saw a Caucasian male, now known to be Mr. [REDACTED] who was driving eastbound down 111<sup>th</sup> stop, get out of a dark-colored SUV or pick-up truck, and yell something at the group, along the lines of "Move your cars."<sup>164</sup> Officer [REDACTED] stated that members of the group then began to punch Mr. [REDACTED] Officer [REDACTED] stated, "I see blood, I see he's got a big gash, and there's blood all over his neck. Uh, I throw down the phone...I grab my...gun and my badge. As I'm running up, I'm yelling, 'Chicago Police,' you know, Get back in the car. Get the fuck back."<sup>165</sup>

Officer [REDACTED] stated that the members of the group were screaming in his face, making threats and refusing to comply with his verbal direction. He was not able to remember exactly what was said but explained there was a lot of swearing and that it was a very combative situation. Officer [REDACTED] stated the crowd was growing. He noticed Sergeant [REDACTED] to his left on the phone. Officer [REDACTED] recognized Sergeant [REDACTED] immediately because they had both previously worked in the [REDACTED] District. Officer [REDACTED] explained that when he saw Sergeant [REDACTED] he believed the situation would be under control and he holstered his weapon.

Officer [REDACTED] stated that he looked to his left and saw an African American male with long dreadlocks and wearing a button-up dress shirt, now known to be [REDACTED] coming up from behind the open passenger side door of a Dodge Charger "racking the slide of a handgun."<sup>166</sup> Officer [REDACTED] heard [REDACTED] say something to the effect of, "Y'all ain't the only motherfuckers here with a gun."<sup>167</sup> He was not sure where the Charger had come from but believed it had been travelling westbound on 111<sup>th</sup> Street. Officer [REDACTED] said that [REDACTED] was in a crouched or kneeling position near the vehicle coming up from between the vehicle and the opened door. According to Officer [REDACTED] raised the gun to shoulder height, pointed it at him and then moved the gun side to side. Officer [REDACTED] stated that after he saw [REDACTED] with the gun, he unholstered his weapon and alerted Sergeant [REDACTED]. Officer [REDACTED] stated that Sergeant [REDACTED] then moved alongside the wall of the building located on the northeast corner of 111<sup>th</sup> and Troy Streets. He stated that he saw an African American female sitting in the driver seat of the Charger.

<sup>162</sup> Att. 325, page 13, line 9.

<sup>163</sup> This call is documented as Event 09332 (Att. 67).

<sup>164</sup> Att. 325, page 14, line 4.

<sup>165</sup> *Id.*, page 14, lines 11-16.

<sup>166</sup> *Id.*, page 26, line 23.

<sup>167</sup> *Id.*, page 76, lines 12-13.

Officer [REDACTED] stated that [REDACTED] was ducked down between the Charger's open passenger side door and the vehicle when he came up in a crouched or kneeling position and raised the handgun to shoulder height. Officer [REDACTED] said that [REDACTED] pointed the barrel of the gun between the open car door and the vehicle, in his direction. Officer [REDACTED] estimated he was approximately fifteen to twenty-five feet away from [REDACTED] at that time and was located just south of the middle of the intersection of 111<sup>th</sup> Street and Troy Street. Officer [REDACTED] stated that he yelled, "Drop the gun."<sup>168</sup>

Officer [REDACTED] stated that he heard a gunshot and believed Sergeant [REDACTED] fired but he was not sure. Officer [REDACTED] stated that he then fired at [REDACTED]. He believed he fired three to five rounds from his position south of the middle of the intersection. At the time Officer [REDACTED] fired his weapon, he saw the African American female still sitting in the Charger; he believed in the driver's seat. He then moved toward the front of the Charger. Officer [REDACTED] stated that he was stationary as he initially fired then moved to get a better view.

Officer [REDACTED] stated that as he made his way towards the front of the vehicle, he saw [REDACTED] move towards the rear of the Charger, near the rear passenger door. Officer [REDACTED] stated that [REDACTED] had the gun in his right hand perpendicular to his body, at approximately hip height and was pointing it at Sergeant [REDACTED]. Officer [REDACTED] stated that he fired another four to six shots and believed Sergeant [REDACTED] fired again. Officer [REDACTED] estimated that he was approximately ten to fifteen feet away from [REDACTED] when he fired the second volley of shots. He stated that [REDACTED] was towards the rear end of the passenger side of the Charger on the ground with the gun still in his hand. Officer [REDACTED] fired another one or two shots and saw that [REDACTED] was no longer holding the gun. Officer [REDACTED] then proceeded to secure [REDACTED] weapon.

Officer [REDACTED] stated that as he moved towards [REDACTED] to secure the weapon, [REDACTED] brother, now known to be [REDACTED] also grabbed the weapon. According to Officer [REDACTED] [REDACTED] said, "You killed my brother, and I'm gonna fuckin' kill your ass."<sup>169</sup> Officer [REDACTED] said he gained control of the firearm and as he did so, [REDACTED] put in him a "chokehold."<sup>170</sup> Officer [REDACTED] said that he got out of the chokehold before he lost consciousness. He further explained that after he was able to get loose from [REDACTED] hold, he waited for police to arrive. Officer [REDACTED] stated that fire personnel arrived on scene immediately, due to the proximity of the firehouse. Officer [REDACTED] also explained that he saw Mr. [REDACTED] administering first aid to [REDACTED]

## B. Digital Evidence

Cell phone videos taken by [REDACTED] consist of two clips, 1:16 and 3:22 in length that also contain audio.<sup>171</sup> When the recording begins, Ms. [REDACTED] is inside of her car and the radio is playing, such that some of the events occurring outside of the car are difficult to hear. Two African American females and one African American male can be seen entering a red Hyundai Elantra. A Caucasian woman holding what appears to be a mop or a broom, now known to be Ms. [REDACTED] is walking north across 111<sup>th</sup> Street. An African American male wearing military fatigues is in the street.

<sup>168</sup> *Id.*, page 31, line 11.

<sup>169</sup> *Id.*, page 37, lines 7-8.

<sup>170</sup> *Id.*, page 38, line 22.

<sup>171</sup> Att. 111. As this footage was taken from a personal cell phone, it is not date or time stamped. However, based upon information provided by Ms. [REDACTED] the footage was taken on November 5, 2016 at approximately 3:00 p.m.

The red sedan drives west down the street followed by a grey Kia Optima. An African American male with dread locks wearing a black dress shirt, now known to be [REDACTED] is shown walking down the street following the red and grey cars. He appears to be removing a necktie as he walks.

Ms. [REDACTED] then briefly stops filming video of the street and the footage shows the inside of a vehicle. The video then pans back over to the street again and captures the red Hyundai and grey Kia further west down 111<sup>th</sup> Street. A group of approximately fifteen people are gathered around the red sedan. Ms. [REDACTED] exits the car, and several people can be heard screaming, but it is difficult to discern specific words. A Caucasian male in a red shirt, now known to be Officer [REDACTED] is holding what appears to be a firearm in his right hand with his arm fully extended. He is heard yelling, "I'm the fucking police! Get the fuck back!" and appears to point the firearm at an African American female in a white shirt.

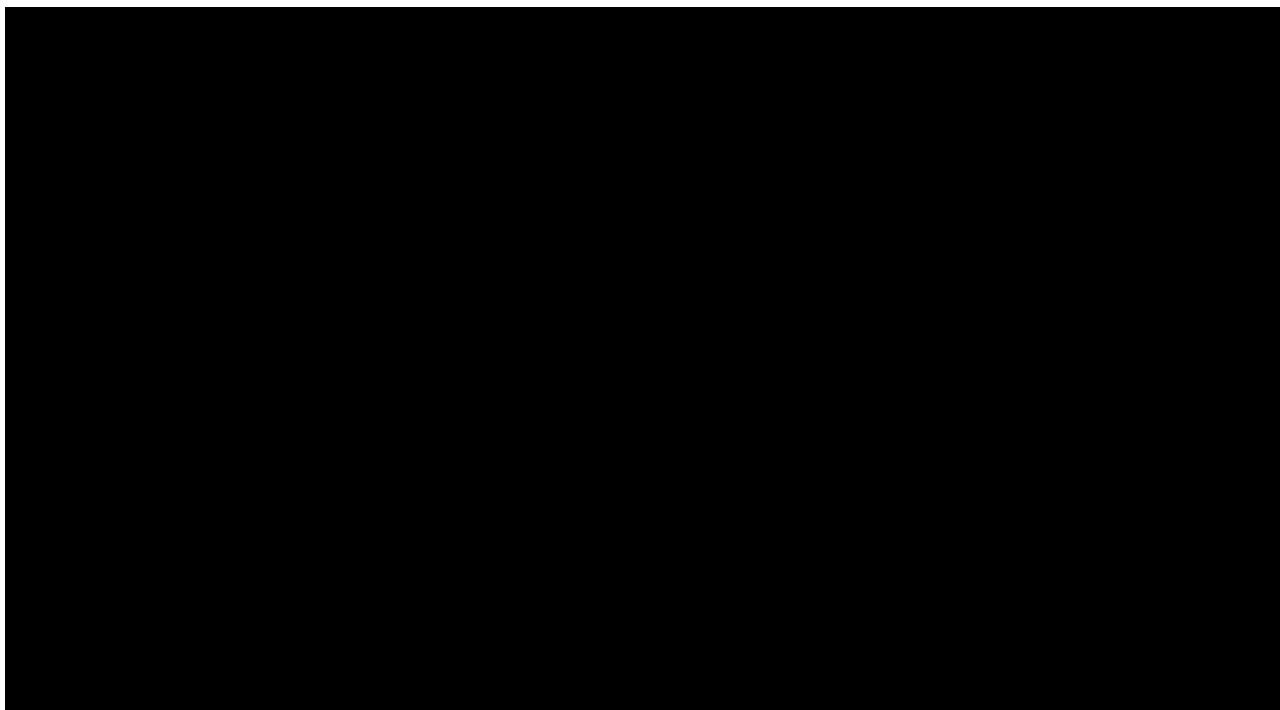


Figure 2: Screenshot of Officer [REDACTED] pointing his gun at [REDACTED]. Image taken from video recorded at approximately 3 p.m. on November 5, 2016, provided by Ms. [REDACTED]. The man on the far left is unidentified. [REDACTED] is directly in front of him. [REDACTED] is walking to the right (northbound) in front of the SUV. The man in the green sweatshirt behind Officer [REDACTED] is [REDACTED]

An African American male is shown running away from the crowd. Ms. [REDACTED] footage pans back and forth down 111<sup>th</sup> Street. The camera returns to the crowd and Officer [REDACTED] is shown standing near Sergeant [REDACTED] and a Caucasian male, now known to be Mr. [REDACTED]. Officer [REDACTED] raises and lowers the firearm several times and is heard repeatedly yelling, "Get the fuck down!" He appears to point at the crowd with his left hand. He does not appear to be holding anything in his left hand. Sergeant [REDACTED] appears to be making a telephone call. An unknown person yells, "He tried to run us off the road!" Officer [REDACTED] then appears to reholster his gun in his waistband.

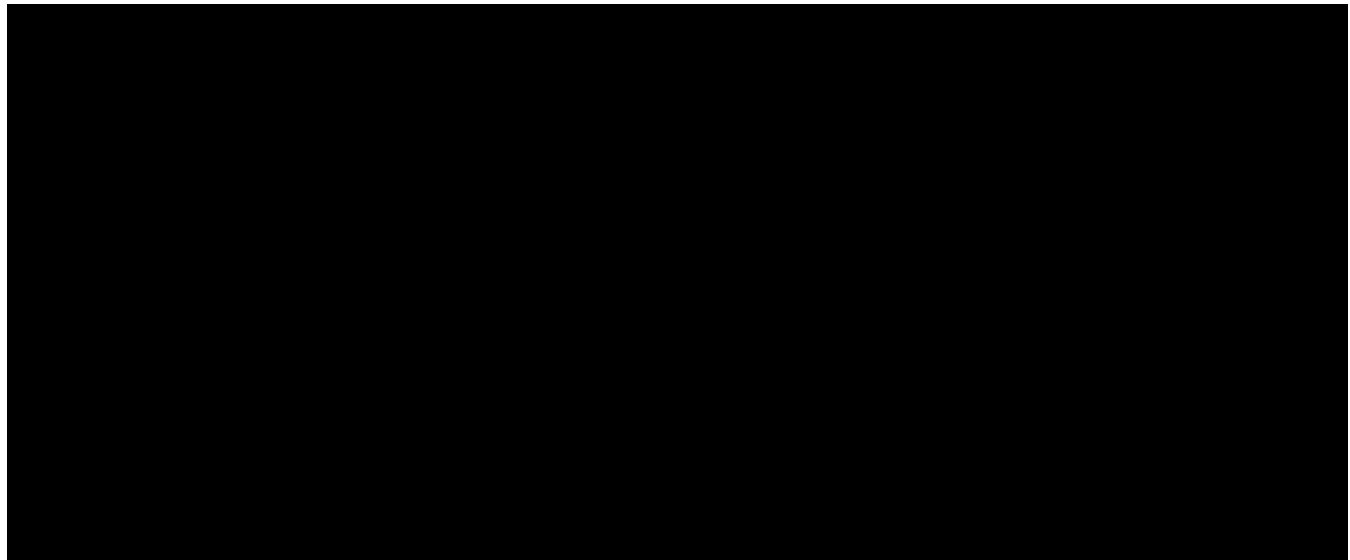


Figure 3: Screenshot of Officer [REDACTED] holding gun at his side. Image taken from video recorded at approximately 3 p.m. on November 5, 2016, provided by [REDACTED]

As indicated below, the video then depicts an African American male with dread locks, now known to be [REDACTED] standing behind a grey vehicle. The camera pans away briefly and then back to [REDACTED] a second time, at approximately 1:12 into the video footage. At this point, [REDACTED] is shown raising a straight arm over the grey vehicle pointing a firearm in the direction of the crowd.

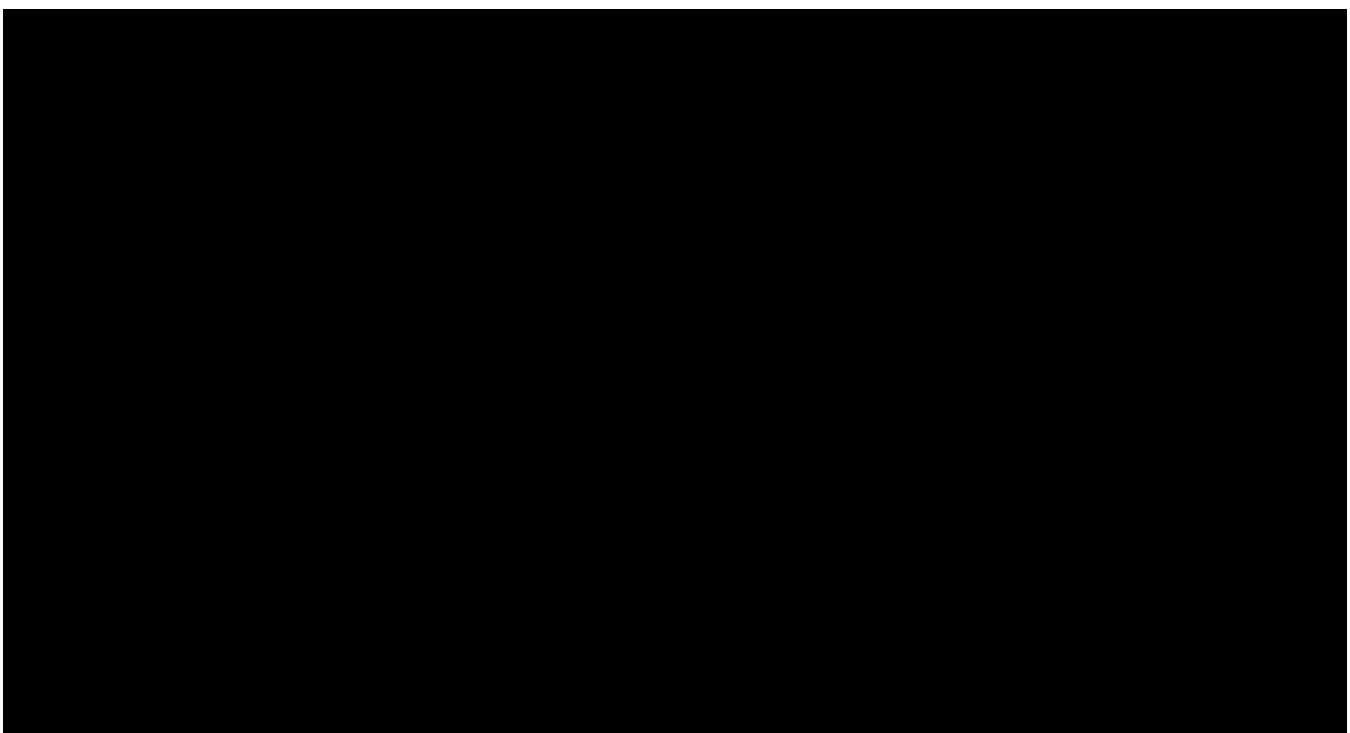


Figure 4: Screenshot of [REDACTED] raising his right arm over the grey vehicle, pointing a firearm in the direction of the crowd. Also depicted in the foreground of the photo is CFD Lieutenant [REDACTED] who is dressed in uniform. Image taken from video recorded at approximately 3 p.m. on November 5, 2016, provided by Ms. [REDACTED]

The camera then pans to [REDACTED] right, so that he is again off screen. When [REDACTED] appears again, the weapon can no longer be seen pointing over the car. As the focus moves back to the

crowd the first video footage ends. In the second clip, the camera is initially pointed downwards, such that nothing of significance can be seen. Screaming is heard followed by several gunshots. Approximately seven or eight shots can be heard within an approximate three-second span, some sounding as if they are occurring almost simultaneously. There follows an approximate two-second pause. Then another shot is heard, followed by another two or three second pause. Another volley of approximately eight shots is then heard within an approximate four-second span, with some shots again sounding as if they are occurring almost simultaneously. Screaming is then heard. As the camera moves, a person can be heard crying and a voice is heard saying, "They shot our own people.... The police." Sirens are then heard and an ambulance is shown leaving the firehouse. Two Caucasian males, now known to be Lieutenant [REDACTED] and Mr. [REDACTED] are shown standing by the fence near the fire house saying, "Do not go down there. You are fucking asking for trouble if you even go down that way. Just stay over here."

**A cell phone video taken by [REDACTED]** approximately 1:18 in duration and containing audio, captures the aftermath of the shooting near the intersection of 111<sup>th</sup> and Troy Streets.<sup>172</sup> Several people can be screaming and a crowd of approximately twelve people can be seen gathered around an African American male, now known to be [REDACTED] lying on his back. Approximately three African American females point at a Caucasian male wearing a red shirt, now known to be Officer [REDACTED]. A Caucasian male, now known to be Mr. [REDACTED] and an African American male, now known to be [REDACTED] appear to administer CPR to [REDACTED]. A Caucasian male wearing a black jacket and a hat, now known to be Sergeant [REDACTED] appears to speak to [REDACTED] [REDACTED] as they point in different directions. A Caucasian male in a blue striped shirt with a firearm, now known to be Sergeant [REDACTED] attempts to break up the crowd. Sergeant [REDACTED] appears to make a telephone call. A uniformed officer and a marked SUV are depicted. The person filming goes into Joseph's Restaurant and stops filming.

**Evidence Technician Photographs** depict Officer [REDACTED] clothing and physical condition at the hospital, including bandages, cuts, and scratches. The photographs also document Sergeant [REDACTED] clothing and physical condition, the weapons recovered, [REDACTED] physical condition and injuries, the scene, vehicles and their contents, and Mr. [REDACTED] physical condition, including scratches, cuts, and bruising.<sup>173</sup>

The Illinois State Police (ISP) created **Digital Images** of the 2013 Dodge Charger and conducted trajectory analysis of the bullet defects in the vehicle, which was consistent with Officer [REDACTED] and Sergeant [REDACTED] descriptions of the direction in which they each fired.<sup>174</sup>

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<sup>172</sup> Att. 181. As this footage was taken from a personal cell phone, it is not date or time stamped. However, based on information provided by Ms. [REDACTED] the footage was taken on November 5, 2016 at approximately 3:00 p.m.

<sup>173</sup> Att. 235

<sup>174</sup> Att. 289. This process is frequently referred to as a LEICA scan. The images only contain a trajectory analysis of shots that hit the vehicle and would not include shots that only hit another object or person.

The Chicago Police Department Event Queries and OEMC transmissions document forty 911 calls made in response to this incident.<sup>175</sup> IPRA attempted to contact every caller.<sup>176</sup> Most of the calls report fighting and shots fired. Those providing additional information are included below:

- **Event [REDACTED]**: A female caller reports a “huge fight” at 111<sup>th</sup> and Troy Streets.<sup>177</sup> She reported that people were getting out of cars and “beating the shit out of people.” The caller tells the operator that she sees a gun and the person with a gun is pointing the gun. She describes the person with the gun as a black man with a black shirt and short hair.
- **Event [REDACTED]**: A male caller identifies himself as Lieutenant [REDACTED] calling from Engine [REDACTED].<sup>178</sup> He reports an altercation in front of the firehouse and requests CPD. He informs the operator there is a person with a gun.<sup>179</sup>
- **Event [REDACTED]**: A male caller reports that he is being encircled by two cars of people.<sup>180</sup> He says, “These motherfuckers. You need to send the police to 111<sup>th</sup> and Troy, right now, before someone gets shot.” The caller identified himself as an off-duty police officer with star number [REDACTED], which is Officer [REDACTED] number. He reported that he was being attacked by “about 12 motherfuckers in a car” and said that the other cars “cut [him] off the road, and one car came up, came on the side of [him] and another car came on the back of [him].” The operator informs Officer [REDACTED] that she will send the police over. Officer [REDACTED] then reported that the crowd was “running up on another person.” He then said, “Aw this is fucking ridiculous.” The operator asks the caller if he has his weapon drawn. He does not respond. The call ends.
- **Event [REDACTED]**: A female caller reports a shooting at 111<sup>th</sup> and Troy Streets.<sup>181</sup> She states, “There is a total race thing going on. Someone pulled out a gun. Traffic is stopped. It is a fucking mess. Please get police here.” The operator asks the caller if she saw anything and the caller replies, “Yes, there is a white guy with a gun and there’s some other Hispanic guy with a Sox jacket shooting back.” The caller explains that she was attending a baby shower down the street and saw twenty people in the street “beating the shit out of each other.”
- **Event [REDACTED]**: A female caller reports that someone got shot at 111<sup>th</sup> and Troy.<sup>182</sup> She then reports, “They killed my cousin in the street.” The caller is crying and informs the operator that police arrived, but they still need an ambulance because her cousin is not breathing. The operator instructs the caller to put pressure on the wound.

<sup>175</sup> Att. 52-94

<sup>176</sup> Att. 197, Att. 201

<sup>177</sup> Att. 56. The caller was later identified as Ms. [REDACTED] whose statement is summarized in the Civilian Interviews section of the report above.

<sup>178</sup> Att. 63

<sup>179</sup> The caller, CFD Lieutenant [REDACTED] did not describe the person with the gun. COPA interviewed Lieutenant [REDACTED] on November 27, 2017 (Att. 314). He explained that he informed the 911 operator that there was a person with a gun because he heard someone yell, “Gun” and not because he saw someone with a gun.

<sup>180</sup> Att. 67.

<sup>181</sup> Att. 77. The caller was identified as Ms. [REDACTED] whose statement is summarized in the Civilian Interviews section of the report above.

<sup>182</sup> Att. 83. The caller was identified as Ms. [REDACTED] Ms. [REDACTED] did not provide a statement to IPRA or COPA despite numerous attempts to schedule an interview.

**CPD Radio Transmissions**<sup>183</sup> initially document an altercation near Joseph's Restaurant and a person with a gun. The dispatcher provides an update to report a battery in progress for a "group of male blacks beating one male white." The dispatcher reports "[a]n off-duty PO cut off by a driver. Twelve people surrounding a black Buick, now surrounding another vehicle. Caller threatened to shoot him." An unidentified beat requests more units and reports shots fired by and at the police. It is reported that a weapon was recovered at 3124 W. 111<sup>th</sup> Street.

### C. Physical Evidence

**The Chicago Fire Department's Ambulance Report** documents that Ambulance 17 was dispatched at 3:06 p.m. on November 5, 2016 and arrived at 111<sup>th</sup> and Troy Streets at 3:07 p.m.<sup>184</sup> An unknown unresponsive gunshot victim, now known to be [REDACTED] was found on the street near the firehouse. A bystander was administering CPR. The crew of Ambulance 17 continued CPR and moved [REDACTED] to the ambulance. The report documented five gunshot wounds to [REDACTED] two to the chest, one to the abdomen, one to the groin, and one to the hand. The ambulance departed the scene at 3:20 p.m. and arrived at the Christ Hospital Emergency Room at 3:30 p.m.

**Medical Records from Advocate Christ Medical Center for [REDACTED]** indicate that he was admitted to the Emergency Department at 3:21 p.m.<sup>185</sup> on November 5, 2016 for traumatic arrest after multiple gunshots to the chest and abdomen.<sup>186</sup> [REDACTED] was listed as unresponsive and without cardiac activity. The time of death recorded as November 5, 2016, 3:44 p.m.

**Medical Records from Palos Hospital for Officer [REDACTED]** document that he was admitted to the emergency department at 4:11 p.m. on November 5, 2016 and discharged at 8:24 p.m. the same day.<sup>187</sup> The final diagnosis was listed as unspecified injury of the face, abrasion of left elbow and Cervicalgia.<sup>188</sup> The records noted that Officer [REDACTED] was "angry and anxious."

**The Report of Post Mortem Examination from the Office of the Medical Examiner of Cook County** documents the postmortem examination of [REDACTED] was conducted on November 6, 2016 at 7:45 a.m. by Doctor [REDACTED]<sup>189</sup> Numerous irretrievable bullet fragments were found in the right clavicular area. The report identifies multiple gunshot wounds, none of which indicate firing from a close range, including the following:

- An entry wound to the abdomen with a corresponding exit wound to the right posterior shoulder.

<sup>183</sup> Att. 95-97.

<sup>184</sup> Att. 113. IPRA interviewed CFD Paramedic [REDACTED] on January 17, 2017 (Att. 247) and COPA interviewed CFD Paramedic [REDACTED] on November 27, 2017 (Att. 313). Neither paramedic was on scene at the time of the incident. Paramedics [REDACTED] and [REDACTED] provided medical attention to [REDACTED] after the fact and transferred him to Advocate Christ Hospital. Their statements are consistent with the Ambulance Report.

<sup>185</sup> It is unclear why the hospital arrival/admittance times listed on the CFD ambulance report and the medical records from Advocate Christ Medical Center differ by approximately ten minutes or which of them is correct.

<sup>186</sup> Att. 199

<sup>187</sup> Att. 233

<sup>188</sup> Commonly referred to as neck pain.

<sup>189</sup> Att. 265

- An entry wound to the pelvis with a deformed metal jacket recovered from the pelvic cavity.
- An entry wound to the left posterior thigh with a bullet recovered from the left buttock.
- An entry wound to the right upper chest with fractures to the clavicle and bullet fragments lodged in the shoulder region.
- An entry wound to the right anterior shoulder with a corresponding exit wound to the right posterior back region.
- An entry wound to the right arm which fractured the right humerus, with a bullet recovered under the scapula of the right back.
- A graze wound to the right wrist and a laceration to the top of the head, which could possibly be a graze wound.

The cause of death is listed as multiple gunshot wounds. The manner of death is listed as homicide. Three projectiles and a fragment were recovered and submitted to a CPD representative. All toxicology testing had negative results.

The **Chicago Police Crime Scene Processing Report** recorded under **Report Number [REDACTED]** and the **Chicago Police Department Inventory Sheets**, detail the evidence gathered and inventoried as well as photographs taken of the evidence and the scene.<sup>190</sup> This evidence includes but is not limited to Sergeant [REDACTED] Glock handgun, Officer [REDACTED] Glock handgun, [REDACTED] Bersa handgun, 17 expended cartridge casings, two fired bullets, metal fragments, and two live rounds.<sup>191</sup> One additional fired bullet was recovered at Christ Hospital, and four additional fired bullets were recovered at the Medical Examiner's office. All firearms were processed and swabbed for DNA.

The **Illinois State Police (ISP) Laboratory Reports** document the examination of recovered firearms evidence in this incident, to include the examination of Sergeant [REDACTED] Officer [REDACTED] and [REDACTED] handguns.<sup>192</sup> An analysis of the reports provides the following facts that are relevant to this investigation:

- A swab taken from the handgrips, slide pull, and trigger of [REDACTED] Bersa handgun revealed a mixture of human DNA profiles that was not suitable for comparison or entry to the DNA index.
- A total of ten fired cartridge cases recovered from the scene were found to have been fired from Officer [REDACTED] Glock handgun.
- A total of seven fired cartridge cases recovered from the scene were found to have been fired from Sergeant [REDACTED] Glock handgun.
- It could not be determined whether any of the bullet fragments recovered from [REDACTED] body or from the scene of the incident were fired from any of the firearms that were tested or whether any of them were fired from the same weapon.

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<sup>190</sup> Att. 100, 104

<sup>191</sup> The live rounds, which were recovered on the street at 3124 W. 111<sup>th</sup> Street next to the passenger side of the Charger, were Federal 9 mm Luger cartridges, the same type of ammunition recovered from [REDACTED] Bersa handgun. Officer [REDACTED] and Sergeant [REDACTED] both used Winchester ammunition.

<sup>192</sup> Atts. 282, 283, 284, 318, 321, and 327.

- A Gunshot Residue Collection Kit was administered to [REDACTED]. The results were negative, indicating that he may not have discharged a firearm with either hand or that, if he did, the particles were not detected by the procedure.

#### D. Documentary Evidence

The **Tactical Response Reports** completed by Officer [REDACTED] and Sergeant [REDACTED] both classify [REDACTED] as a “passive resister” who failed to comply with verbal commands, an “assailant: assault” who posed an imminent threat of battery, and an “assailant: deadly force” in that he used force likely to cause death or great bodily harm with a weapon.<sup>193</sup> Both Officer [REDACTED] and Sergeant [REDACTED] reported to have responded with member presence, verbal commands, and use of a firearm.

The **Officer Battery Reports** completed by Officer [REDACTED] and Sergeant [REDACTED] both report the type of weapon/threat as a firearm.<sup>194</sup> Officer [REDACTED] lists the type of activity as a “man with a gun” and a “disturbance - riot/mob action/civil disorder,” while Sergeant [REDACTED] only lists a “man with a gun”. Officer [REDACTED] reported minor bruises/swelling/abrasions. Sergeant [REDACTED] did not report any injuries.

## VI. ANALYSIS

### Applicable Rules of Conduct and Law

The applicable Chicago Police Department order is General Order 03-02-03, II, which states as follows:

A sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

1. to prevent death or great bodily harm to the sworn member or to another person, or
2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
  - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
  - b. is attempting to escape by use of deadly weapon or;
  - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.

In addition, the use of deadly force is codified under section 7-5 of the Criminal Code of 2012 (720 ILCS 5/7-5 (West 2016)). The pertinent part of that statute states that:

[a] peace officer ... need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of

<sup>193</sup> Atts. 5, 7. Officer [REDACTED] also completed a Tactical Response Report for his contact with [REDACTED] (Att. 10).

<sup>194</sup> Atts. 6, 8. Officer [REDACTED] also completed an Officer’s Battery Report for his contact with [REDACTED] in which he also noted minor bruises/swelling/abrasions (Att. 11).

any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person....

720 ILCS 5/7-5 (West 2016).

Finally, an officer's use of deadly force is a seizure within the meaning of the Fourth Amendment, which, therefore must be reasonable. *Muhammed v. City of Chicago*, 316 F.3d 680, 683 (7th Cir. 2002).

The 'reasonableness' inquiry in an excessive force case is an objective one: the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

*Graham v. Connor*, 490 U.S. 386, 397 (1989); see also *Estate of Phillips v. City of Milwaukee*, 123 F.3d 586, 592 (7th Cir. 2003).

The reasonableness calculation

must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.

*Graham*, at 396–97.

Consequently:

'when an officer believes that a suspect's actions [place] him, his partner, or those in the immediate vicinity in imminent danger of death or serious bodily injury, the officer can reasonably exercise the use of deadly force.'

*Muhammed*, 316 F.3d at 683 (quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir. 1988) (en banc) and omitting emphasis).

### Analysis

Initially, we note that ISP could not determine via testing whether any of the bullets or fragment that were recovered from [REDACTED] body were fired from the same firearm, nor did ISP's testing reveal whether the bullets or fragments were fired from any of the firearms that were recovered. Thus, COPA cannot determine whether Officer [REDACTED] and/or Sergeant [REDACTED] fired the shot or shots that fatally struck [REDACTED]. However, regardless of whether Officer [REDACTED] or Sergeant [REDACTED] fired the fatal shot or shots in this case, both officers employed deadly force when they fired their weapons at [REDACTED]. Accordingly, we must determine whether both officers' use of deadly force was within policy.

We also note as an initial matter that all of the shots that Officer [REDACTED] and Sergeant [REDACTED] fired can be heard in the audio from Ms. [REDACTED] second video as described above. However, the shots

cannot be seen, and we cannot tell which of the shots are Officer [REDACTED] and which are Sergeant [REDACTED]. Nonetheless, the evidence indicates that Officer [REDACTED] fired his weapon 11 times, and Sergeant [REDACTED] fired his weapon seven times. We must analyze each shot to determine whether it was within Department Policy. See, e.g., *Horton v. Pobjecky*:

Even though an officer may in one moment confront circumstances in which he could constitutionally use deadly force, that does not necessarily mean he may still use deadly force the next moment. The circumstances might materially change.

883 F.3d 941, 950 (7th Cir. 2018)

#### A. Officer [REDACTED] Use of Deadly Force

As previously stated, Officer [REDACTED] fired his weapon 11 times. The evidence indicates that Officer [REDACTED] fired the 11 shots in two volleys, with the first volley consisting of approximately three to five shots and the second volley consisting of approximately five to seven shots.

##### 1. Officer [REDACTED] First Volley of Shots

A preponderance of the evidence establishes that Officer [REDACTED] first volley of shots was in accordance with Department Policy. Officer [REDACTED] told COPA that prior to firing, he observed an African American male with dreadlocks, now known to be [REDACTED] standing up from a crouched or kneeling position behind the Dodge Charger “racking the slide of a handgun.” He heard [REDACTED] say something to the effect of “Y’all ain’t the only motherfuckers with a gun,” which is markedly similar to the language that [REDACTED] fiancé, Ms. [REDACTED] reported him using.<sup>195</sup> Officer [REDACTED] reported that he then saw [REDACTED] raising the gun to shoulder height, point the weapon at him and move it from side to side. Officer [REDACTED] said that he alerted Sergeant [REDACTED] about [REDACTED] possession of a weapon by saying “gun!” Officer [REDACTED] said [REDACTED] then ducked down again and came up from a kneeling or crouched position with the handgun raised to shoulder height, pointing the weapon in Officer [REDACTED] direction from approximately 15 to 25 feet away. Officer [REDACTED] instructed [REDACTED] to drop the gun, then heard a gunshot, which he believed was Sergeant [REDACTED]. Officer [REDACTED] then fired three to five rounds at [REDACTED]

Officer [REDACTED] account of [REDACTED] pointing the weapon at him is corroborated by numerous witnesses. Sergeant [REDACTED] recalled Officer [REDACTED] alerting him that a black male was pointing a gun in their direction. Sergeant [REDACTED] then saw [REDACTED] crouched down by the side of the vehicle, holding a gun in his right hand. CFD Lieutenant [REDACTED] observed [REDACTED] pointing a pistol over the roof of his Charger at Officer [REDACTED] as did Ms. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] also saw [REDACTED] pointing a gun in the direction of Officer [REDACTED] and Mr. [REDACTED] Ms. [REDACTED] said she saw an African American male pointing a gun over the roof of a car, toward Joseph’s Restaurant. Mr. [REDACTED] also said he observed [REDACTED] pointing a gun at people in the street, and Ms. [REDACTED] stated that she saw [REDACTED] pointing a gun towards the center of 111<sup>th</sup> Street. Notably, many of the witnesses who report seeing [REDACTED] pointing a weapon at Officer [REDACTED] or others, including Lieutenant [REDACTED] Mr. [REDACTED] Ms. [REDACTED] Mr. [REDACTED] and Ms. [REDACTED] did not know anyone directly involved in the incident.

In short, numerous witnesses at different locations on the north and south sides of 111<sup>th</sup> Street

<sup>195</sup> She reported hearing [REDACTED] say “Motherfucker, I got a gun too.”

as well as in the street itself stated that they observed an individual, now known to be [REDACTED] pointing a gun over the top of the Charger in Officer [REDACTED] direction, as Officer [REDACTED] described. The video evidence obtained from Ms. [REDACTED] also shows [REDACTED] pointing a gun over the roof of the Charger. It is unclear whether [REDACTED] pointing the weapon as captured in the video is the same action that Officer [REDACTED] described, but regardless, it corroborates witness statements that [REDACTED] had a gun and pointed that gun over the roof of the vehicle and that Officer [REDACTED] and numerous others would have been able to observe him doing so.

[REDACTED] statement to COPA that she could see [REDACTED] hands and body before Officer [REDACTED] shot and that [REDACTED] was not doing anything with his hands is contradicted by the weight of other statements, including that of [REDACTED] fiancé, Ms. [REDACTED]. COPA has some concerns regarding the accuracy of some of [REDACTED] statement, as parts of her narrative conflict directly with other evidence that was repeatedly corroborated by various witnesses.<sup>196</sup> An abundance of other evidence, including the statements of multiple independent witnesses and the video captured by Ms. [REDACTED] indicates that [REDACTED] did in fact possess and point a weapon. Based on the weight of this evidence, COPA concludes that it is more likely than not that [REDACTED] did point the weapon at Officer [REDACTED].

COPA also concludes that a reasonable officer in Officer [REDACTED] position would have believed the use of deadly force was necessary to prevent death or great bodily harm to himself or another given that [REDACTED] pointed a gun at Officer [REDACTED] and others. See *Bell v. Crow*, 321 F. 3d 637, 639 (7th Cir. 2003) (if a suspect threatens an officer with a weapon, the risk of serious physical harm has been established such that the officer police may use deadly force); see also *Anderson v. Russell*, 247 F.3d 125, 132 (4th Cir. 2001) (an officer is not required to wait until a gun is pointed at him before acting). Further, there is no suggestion that the threat posed by [REDACTED] pointing of his weapon at Officer [REDACTED] was eliminated by the time Officer [REDACTED] fired the last of his first volley of approximately three to five shots. The statements of witnesses who were able to observe [REDACTED] in the immediate aftermath of the first volley of shots indicate that he continued to hold the weapon he had pointed at Officer [REDACTED]. Officer [REDACTED] then fired a second volley of shots that, as detailed below, was also consistent with Department policy. Given the continuing presence of the threat, Officer [REDACTED] acted in accordance with Department policy in firing a second volley of shots.

## 2. Officer [REDACTED] Second Volley of Shots

A preponderance of the evidence also establishes that Officer [REDACTED] second volley of shots was in accordance with Department policy. Officer [REDACTED] said that after firing his initial volley of shots, he moved to the front of the Charger. As he did so, [REDACTED] moved toward the rear of the Charger. Officer [REDACTED] said that [REDACTED] was holding a gun in his right hand, perpendicular to his

<sup>196</sup> For example, [REDACTED] said that she was driving behind her sister [REDACTED] car, while [REDACTED] said that [REDACTED] was driving in front of [REDACTED] also said that Ms. [REDACTED] exited out of the driver's side of [REDACTED] car, while Ms. [REDACTED] said that she exited from the passenger side. The credibility of an individual relies primarily on two factors: (1) the reliability of the individual's account and (2) the individual's truthfulness. Reliability relates to the individual's ability to accurately perceive the event at the time of the event and then accurately recall the event from memory, while truthfulness relates to the honesty of individual making the statement. Thus, the fact that COPA has concerns about the accuracy of some of [REDACTED] statements and recollections does not mean that COPA finds her to be untruthful; she may just be unable to accurately recall the events as they transpired.

body at hip height, pointing it at Sergeant [REDACTED] Officer [REDACTED] stated that he fired three to five shots from approximately 10 to 15 feet away, and then another one or two shots before observing that [REDACTED] was no longer holding the gun. Officer [REDACTED] also stated that he fired the one or two final shots "pretty simultaneous" with the four to six shots.<sup>197</sup> He said he fired the final shots because [REDACTED] "still had the gun in his hand, and he was moving up and moving the gun upwards" in Sergeant [REDACTED] direction.<sup>198</sup>

Officer [REDACTED] account of the second volley of shots is corroborated by other witnesses' accounts. After hearing approximately four shots in rapid succession, independent witness, Lieutenant [REDACTED] observed Officer [REDACTED] move closer to [REDACTED] toward the front of the Charger. Lieutenant [REDACTED] described [REDACTED] at this point as "kind of on his side pointing the gun again."<sup>199</sup> While Lieutenant [REDACTED] described hearing just two shots, a preponderance of the evidence indicates that Officer [REDACTED] in fact fired five to seven shots during the second volley. However, that Lieutenant [REDACTED] may have been unable to accurately recount the precise number of shots he heard is understandable given the chaotic scene that unfolded. In other words, that Lieutenant [REDACTED] recalled only hearing two shots does not raise credibility concerns about the remainder of his testimony.

Further, Officer [REDACTED] account of his second round of shots is also corroborated by Sergeant [REDACTED] recollection of the events. Sergeant [REDACTED] said that after he fired his initial round of shots, [REDACTED] spun around in a manner such that he was lying against the Charger, facing Sergeant [REDACTED] and pointing the gun in his direction.

Other witnesses did not describe seeing Officer [REDACTED] move to the Charger and firing the second volley of shots; however, many witnesses fled the scene or relocated after hearing the initial volley of shots fired. Further, witnesses who were standing in the street on the driver's side of the Charger would more than likely not have been able to see what was transpiring on or near the ground on the passenger's side of the Charger. By contrast, Lieutenant [REDACTED] would have been able to observe [REDACTED] actions on the passenger side of the Charger because he was standing on the north side of 111<sup>th</sup> Street approximately twenty feet behind [REDACTED].<sup>200</sup>

In sum, it is more likely than not that [REDACTED] was pointing his weapon at Sergeant [REDACTED] when Officer [REDACTED] fired the second volley of shots. Accordingly, it was objectively reasonable for Officer [REDACTED] to believe the use of deadly force was necessary to prevent death or great bodily harm to Sergeant [REDACTED]. In addition, as with Officer [REDACTED] first volley of shots, there is no evidence to suggest that the threat posed by [REDACTED] was eliminated by the time Officer [REDACTED] fired the last of his second volley of shots. Officer [REDACTED] stated that when he fired the ultimate shots, [REDACTED] was still holding the gun and moving it upwards toward Sergeant [REDACTED]. Lieutenant [REDACTED] statement regarding [REDACTED] handling of the weapon after the first volley of shots is consistent with Officer [REDACTED] recollection.

Moreover, the audio from the video recording makes clear that all of Officer [REDACTED] and Sergeant [REDACTED] shots occurred within just 11 seconds from first shot to last. After the initial rounds of shots, one shot can be heard and then, two to three seconds later, approximately eight shots can be

<sup>197</sup> Att. 325, pg. 84.

<sup>198</sup> *Id.*, pg. 85.

<sup>199</sup> See Lieutenant [REDACTED] statement above.

<sup>200</sup> See Lieutenant [REDACTED] statement above.

heard within an approximately four-second span. Although we cannot determine which of these shots were Officer [REDACTED] we can reasonably conclude that at least some of the approximately eight shots were his as Sergeant [REDACTED] fired seven times and some of the shots in the audio recording of the event appear to have occurred simultaneously. We must keep in mind that the determination of reasonableness embodies “allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” See *Graham*, above at 396-97. All 18 shots fired by Officer [REDACTED] and Sergeant [REDACTED] occurred within a very brief timeframe, and the last eight or nine shots were fired within an even briefer period of time. Given this, even if [REDACTED] was no longer a threat in the instant Officer [REDACTED] fired his last shots, Officer [REDACTED] would not have had enough time to perceive and process that the threat had dissipated before he fired his final shots. See, e.g., *People v. Bailey*, 27 Ill. App. 3d 128, 135 (1975) (“[w]here it has been found that a defendant was initially firing in self-defense, courts have been reluctant to find that a span of a few seconds was a sufficient time for the defendant to realize that further shooting was unnecessary”). Based on the foregoing, COPA finds by a preponderance of the evidence that Officer [REDACTED] second volley of shots was justified.

## B. Sergeant [REDACTED] Use of Deadly Force

We turn now to Sergeant [REDACTED] use of deadly force. Sergeant [REDACTED] stated, and the evidence supports, that he fired his weapon seven times. Sergeant [REDACTED] fired these seven shots in two volleys.<sup>201</sup> Again, we will address each volley separately. We refer to the same body of facts recounted above and apply the same standards of conduct to Sergeant [REDACTED] actions. Therefore, such facts and standards of conduct are not repeated in the following sections.

### 1. Sergeant [REDACTED] First Volley of Shots

A preponderance of the evidence establishes that Sergeant [REDACTED] first volley of shots was in accordance with Department policy. Sergeant [REDACTED] told COPA that he saw [REDACTED] crouched, pointing a gun, and starting to move upwards when Sergeant [REDACTED] fired three to four shots. Sergeant [REDACTED] account of his first volley of shots is corroborated by numerous witnesses, many of whom are independent. Based on the totality of witnesses’ accounts, COPA finds by a preponderance of the evidence that Sergeant [REDACTED] first volley of shots was consistent with Department policy.

### 2. Sergeant [REDACTED] Second Volley of Shots

A preponderance of the evidence also establishes that Sergeant [REDACTED] second volley of shots was consistent with Department policy. Sergeant [REDACTED] told COPA investigators that [REDACTED] had spun around in such a manner that he was lying against the Charger, facing Sergeant [REDACTED] and pointing the gun in his direction. Sergeant [REDACTED] account in this regard is corroborated by Officer [REDACTED] statement. Further, although Lieutenant [REDACTED] did not see Sergeant [REDACTED] fire, Lieutenant [REDACTED] recalled [REDACTED] lying “kind of on his side pointing the gun again,” which is consistent with Sergeant [REDACTED] account that [REDACTED] lay in the street pointing the weapon at him.<sup>202</sup> COPA

<sup>201</sup> Sergeant [REDACTED] indicated that he fired three to four times, then fired “a few more times,” and finally “once more.” Based on the audio, there is no significant gap between the start of the second volley of shots that can be heard and the last shots that can be heard. Accordingly, we have construed Sergeant [REDACTED] actions as the firing of two volleys of shots rather than three.

<sup>202</sup> Att. 120, page 24, lines 9-10.

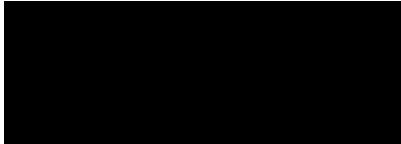
therefore concludes that a preponderance of the evidence establishes that Sergeant [REDACTED] fired his last volley of shots as [REDACTED] was pointing a weapon at him; accordingly, Sergeant [REDACTED] last round of shots was in accordance with Department policy. See *Bell*, above at 639 (if a suspect threatens an officer with a weapon, the risk of serious physical harm has been established such that the officer may use deadly force).

Further, as with Officer [REDACTED] there is no evidence that the threat posed by [REDACTED] had passed by the time Sergeant [REDACTED] fired his last shots. Sergeant [REDACTED] said that when he fired his last round, [REDACTED] still had a gun in his hand and was still moving.<sup>203</sup> Although Sergeant [REDACTED] account of his last shot is not specifically corroborated by any other witnesses, we have no reason to doubt the veracity of his statement as so many other parts of his statement were corroborated by others. In addition, based on the short timeframe in which the final shots occurred, even if [REDACTED] no longer posed a threat, Sergeant [REDACTED] would not have had enough time to process this information before firing his last shot. Based on the foregoing, we find Sergeant [REDACTED] second round of shots was consistent with Department policy.

## VII. CONCLUSION

Based on the analysis set forth above, COPA concludes that the use of deadly force by both Officer [REDACTED] and Sergeant [REDACTED] was **Within Department Policy**.

Approved:



April 30, 2019

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Sydney Roberts  
*Chief Administrator*

Date

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<sup>203</sup> Att. 324, pg. 26.

**Appendix A****Assigned Investigative Staff**

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<b>Squad#:</b>	[REDACTED]
<b>Major Case Specialist:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	Andrea Kersten
<b>First Deputy Chief Administrator</b>	Tracie Smith